

# The Gazette of India



PUBLISHED BY AUTHORITY

SIMLA, SATURDAY, OCTOBER 25, 1952

Separate paging is given to this Part in order that it may be filed as a separate compilation

## PART III—SECTION 3

### Notifications relating to Minor Administrations

#### HIMACHAL PRADESH GOVERNMENT

##### NOTIFICATIONS

Simla-4, the 13th October 1952

No. R-81-207/49.—Financial Commissioner, Himachal Pradesh is pleased to sanction 25 days' earned leave to Shri Surrendra Nath, Tehsildar, Solan, with effect from the 10th July, 1952.

By order,

MAHABIR SINGH,  
Assistant Secretary (Home & Revenue)  
to Government, Himachal Pradesh.

Simla-4, the 15th October 1952

No. PW-47-17/52-12164.—The Lieutenant Governor has been pleased to set up a committee consisting of the following members for Irrigation Development in Himachal Pradesh:—

1. Deputy Commissioner, Nahan (Chairman).
2. District Agriculture Officer, Mahasu.
3. Director of Land Records.
4. Shri Gopal Chandra, M.L.A. (Himachal Democratic Front).
5. Shri Avtar Chand Mehta, M.L.A. (Chief Whip Congress Party).
6. Shri Baldev Chand, M.L.A. (Congress), Secretary, Congress Assembly Party.
7. Shri Manohar Singh, Executive Engineer, Irrigation (Secy.).

The Committee will recommend to the Government on the following points:—

1. Legislation required for the implementation of the Irrigation schemes and control of the existing schemes of Irrigation and Gharats, etc.
2. To consider the desirability of not levying extra revenue from the beneficiaries for some years.
3. To consider the desirability of charging Water rates.
4. To consider the desirability of applying some legislation of Canal and Drainage Act already enforced in the adjoining Part 'A' States.

The first meeting of the Committee will be convened on the 25th October 1952 at 11 A.M. in Himachal Pradesh Sectt., Simla.

By order,

G. R. NANGEA,  
Secretary, P.W.D.,

Himachal Pradesh Government

BILL No. 11 of 1952

HIMACHAL PRADESH PANCHAYAT RAJ BILL, 1952  
(As introduced in the Legislative Assembly)

A

BILL

to establish and develop Panchayat Raj in the Himachal Pradesh

Preamble.—Whereas it is expedient to establish a co-ordinated system of Panchayat Raj in the State and to

make provision for better village administration and development;

It is hereby enacted as follows :

#### CHAPTER I

##### Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the 'Himachal Pradesh Panchayat Raj Act, 1952'.

(2) It shall extend to the whole of the Himachal Pradesh except the area which has been or may hereafter be constituted a Municipality or a Notified area under Sections 4 and 241 of the Punjab Municipal Act of 1911 as applied to the Himachal Pradesh or a cantonment under the provision of the Cantonments Act, 1924.

(3) It shall come into force in whole or in part, in such area or areas and on such date or dates as the State Government may, by notification, direct.

2. *Definition.*—(1) In this Act unless there is anything repugnant in the subject or context,

- (a) 'adult' means a person, male or female, who has completed his or her twenty-first year;
- (b) 'building' means any shop, house, out-house, hut, shed, or stable, whether used for the purpose of human habitation or otherwise and whether of stone, concrete, bricks, masonry, wood, mud, thatch, metal or any other material whatever and includes a wall;
- (c) 'case' means a criminal proceeding in respect of an offence triable by a Nyaya Panchayat;
- (d) 'circle' means the area within which a Nyaya Panchayat exercises jurisdiction under section 47;
- (e) 'Collector' or 'District Magistrate' or 'Sub-Divisional Judge' with reference to a Gram Sabha, Gram Panchayat, Nyaya Panchayat, Tehsil Panchayat or Zila Panchayat, means a Collector, District Magistrate or Magistrate 1st Class or Sub-Judge of the District or the Sub-Division, as the case may be, in which such Sabha or Panchayat is constituted;
- (f) 'common land' means the land which is not in the exclusive use of any individual and has by usage, custom or prescription been reserved for the common purposes of village community or has been acquired for such purposes;
- (g) 'Director' means Director of Panchayat appointed under this Act;
- (h) 'Gram Panchayat' means the Executive Committee of the Gram Sabha established under Sub-section (1) of Section 12;
- (i) 'Gram Sabha' means a Gram Sabha established under Section 3;
- (j) 'Nyaya Panchayat' means a Nyaya Panchayat established under Section 47 and includes a bench thereof;
- (k) 'official gazette' or 'gazette', means the Gazette of India;
- (l) 'Panchayat forest' means a forest which has been so declared by the State Government by notification issued in this behalf;

- (m) 'population' means the population of a village or area as determined in the manner prescribed in this behalf;
- (n) 'prescribed' means prescribed by this Act or Rules made thereunder;
- (o) 'prescribed authority' means the authority notified as such by the State Government;
- (p) 'proceeding' means a proceeding specified under Section 73;
- (q) 'public place' means a space not being private property, which is open to use or enjoyment of the public whether such space is vested in the Gram Sabha or not;
- (r) 'public street' means any road, street, bridge, lane, square, court, alley or passage which the public has a right to pass along, and includes on either side the drains or gutters and the land upto the defined boundary of any abutting property, notwithstanding any projection over such land of any verandah or other superstructure;
- (s) 'public servant' means a public servant as defined in Section 21 of the Indian Penal Code, 1860;
- (t) 'schedule' means a schedule appended to this Act;
- (u) 'Sub-Divisional Officer' with reference to a Gram Sabha, Gram Panchayat, Nyaya Panchayat, Tehsil Panchayat or Zila Panchayat means an Assistant Collector of the First Grade of the sub-division in which such Sabha or Panchayat is situated;
- (v) 'suit' means a civil or a revenue suit triable by a Nyaya Panchayat;
- (w) 'Tehsil Panchayat' means a Panchayat formed under Section 99;
- (x) 'tax' includes a cess, fee, rate, toll, import duty or other duty leviable under this Act;
- (y) 'village' means any local area, recorded as a village in the revenue records of the district in which it is situate or any other local area which the State Government may by general or special order, declare to be a village;
- (z) 'water course' means a kuhl or channel which is maintained at the cost of the irrigators and is used for irrigation or providing drinking water and the management whereof has been partly or wholly entrusted to the Panchayat;
- (aa) 'Zila Panchayat' means a Panchayat formed under Section 99;

(2) 'offence', means 'non-bailable offence', 'cognizable offence', 'complaint', 'officer-in-charge of a police station' and 'police station' have the same meaning as in Section 4 of the Code of Criminal Procedure, 1898;

(3) 'decree', 'decree-holder', 'judgement-debtor', 'legal representative', and 'moveable property' have the same meaning as in Section 2 of the Code of Civil Procedure, 1908;

(4) 'Land-owner', 'tenant', 'rent', 'land revenue' and 'rates' and 'cesses' have the same meaning as in the Punjab Land Revenue Act, 1887 as applied to the Himachal Pradesh.

## CHAPTER II

### Establishment and constitution of Gram Sabhas and their jurisdiction

3. **Establishment and constitution of Gram Sabhas and their jurisdiction.**—(1) The State Government shall, by notification in the Gazette, establish a Gram Sabha for a village or a group of villages in those areas in which this Act has come into force by notification under sub-section (3) of Section 1.

(2) The State Government shall declare the name and the territorial jurisdiction of the Gram Sabha in the notification mentioned in sub-section (1) and may at any time by notification in the Gazette, either of its own motion or of a Gram Sabha or the residents of any village, include any area in or exclude any area from a Gram Sabha.

(3) Where by a notification under sub-section (2) any area is included in the jurisdiction of a Gram Sabha such area shall thereby become subject to all notifications, rules, regulations, bye-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Gram Sabha.

4. **Incorporation of Gram Sabha, Tehsil Panchayat and Zila Panchayat.**—Every Gram Sabha, Tehsil Panchayat and Zila Panchayat shall be a body corporate by the name notified in the Gazette under Sections 3 and 9, as the case may be, having perpetual succession and a common seal

and shall, subject to any restriction or condition imposed by or under this or any other Act, have powers to acquire, by purchase, gift or otherwise, to hold, administer, and transfer property both movable and immovable, and to enter into contracts and to do all that is necessary for the purposes of this Act and shall by the said name, sue or be sued.

5. **Membership of Gram Sabha.**—A Gram Sabha shall consist of all adults ordinarily residing within the area for which the Sabha is established:

Provided that no adult may be a member of a Gram Sabha and continue as such, if he—

- (a) is of unsound mind; or
- (b) is suffering from leprosy; or
- (c) is an undischarged insolvent; or
- (d) is convicted of an election offence; or
- (e) has been convicted for an offence involving moral turpitude or ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898:

Provided further that the disqualifications under clauses (c) or (d) or (e) of the first proviso may be removed by an order of the State Government or the prescribed authority.

6. **Period of Membership.**—A member of a Gram Sabha shall continue to be its member until he abandons his residence in the village or until the area in which he resides is excluded from the jurisdiction of the Gram Sabha under Section 8:

Provided that a person described in Section 5 who has ceased to be a member by reason of the disqualifications mentioned therein or abandonment of his residence in the village, shall on the removal of the disqualifications or the resumption of his ordinary residence in his village, as the case may, and on an application made by him to the President of the Gram Sabha in this behalf, be, after such inquiry as may be prescribed, re-enrolled as a member thereof.

7. **Disqualification or defect in appointment or nomination not to vitiate act or proceedings of the Gram Sabha.**—No defect or omission in the enrolment or disqualification, of a member shall vitiate any act or proceedings of a Gram Sabha if not less than two-third of the members at the time the act is done, or the proceeding is taken, were duly qualified members thereof.

8. **Effect of change in population or inclusion of the area of Gram Sabha in Municipalities, etc.**—If the whole of the area of the Gram Sabha is included in a municipality, cantonment, notified area, the Gram Sabha shall cease, and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part.

9. **Register of Members.**—On the establishment of a Gram Sabha the prescribed authority shall cause to be prepared a register in the prescribed form, of all adults ordinarily residing within the jurisdiction of such Gram Sabha and such registers shall, among other things, contain the names of every adult entitled under section 5 to be a member of a Gram Sabha on the date of its establishment. The register so prepared shall be revised at least once a year in the manner prescribed.

10. **Removal of difficulty in the establishment of Gram Sabha and in the constituting or working Gram Panchayat.**—If in establishing a Gram Sabha or in constituting or working a Gram Panchayat any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided under this Act, the same shall be referred to the State Government whose decision shall be final and conclusive.

## CHAPTER III

### The Gram Sabha—Its meetings and functions

11. **Meetings of the Gram Sabha.**—(1) Every Gram Sabha shall hold two general meetings in each year, one in the summer and the other in winter:

Provided that eight months shall not intervene between the two general meetings:

Provided further that the President may at any time or upon a requisition in writing of not less than one-fifth of the members shall, within 30 days from the receipt of such requisition, call an extraordinary general meeting. On the failure of the President to do so, the prescribed authority shall within a further period of 30 days call an extraordinary General Meeting.

(2) The time and place of all the meetings of the Gram Sabha shall be published in the prescribed manner.

(3) For any general meeting of the Gram Sabha one-eighth of the total number of members of the Gram Sabha or one hundred members whichever is less shall form the quorum :

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

12. *Election of President and Vice-President and Establishment and constitution of Gram Panchayat.*—(1) Every Gram Sabha shall elect from among its members a President and a Vice-President who shall respectively be called *Pradhan* and *Up-Pradhan* and shall also elect from among its members an Executive Committee called the Gram Panchayat.

(2) The number of members of a Gram Panchayat shall be between seven and twenty-five as may be specified by the State Government in addition to the President and Vice-President of the Gram Sabha who shall also be the President and Vice-President respectively of the Gram Panchayat.

(3) The terms of the office of the President, the Vice-President and a member of the Gram Panchayat shall be 3 years :

Provided that the term of office of a member chosen to fill a casual vacancy shall be the unexpired portion of the term of the person in whose place he has been elected.

(4) The area of Gram Sabha may be divided by the prescribed authority into such number of constituencies as may be convenient for the purpose of election.

(5) The State Government may reserve such number of seats for Scheduled Castes and for women in the Gram Panchayat as may be prescribed.

(6) The election of the members of Gram Panchayat in a Gram Sabha or in a constituency thereof shall be held on the joint electorate system.

13. *Budget of Gram Sabha.*—The Gram Sabha shall at its winter meeting consider and pass the budget for the following year and at its summer meeting it shall consider the accounts of the preceding year. At both meetings the Gram Sabha shall consider the biennial reports of business submitted by the President.

14. *Removal of President or Vice-President of Gram Sabha.*—The Gram Sabha may, at any general meeting, remove the President or the Vice-President by a majority of two-third votes of those present :

Provided that a previous notice of the resolution is given as prescribed.

15. *Filling of vacancies in the offices of President and Vice-President.*—(1) Election to fill vacancy caused by the expiration of the term of the office of the President or of the Vice-President shall be held before the expiration of the term.

(2) An election to fill a vacancy of the President or of the Vice-President occurring by reason of his death, resignation, or removal or otherwise, shall be held as soon as possible after and in no case later than six months from the date of occurrence of the vacancy and the person elected to fill the vacancy shall, subject to the provision of section 14, be entitled to hold office for the unexpired portion of the term of the person in whose place he has been elected.

#### CHAPTER IV

#### *Powers, Duties, Functions and Administration of Gram Panchayat*

16. *Duties and Functions.*—It shall be the duty of every Gram Panchayat so far as its funds may allow to make reasonable provision within its jurisdiction for—

- (a) construction, repair, maintenance, cleaning and lighting of public streets;
- (b) medical relief;
- (c) sanitation and taking curative and preventive measures in respect of infectious diseases and epidemic;
- (d) up-keep protection and supervision of any buildings or other property which may belong to the Gram Sabha or which may be transferred to it for management;
- (e) registering births, deaths and marriages and maintenance of the register mentioned in Section 9;
- (f) removal of encroachments on public streets, public places and property vested in the Gram Sabha;
- (g) regulating places for the disposal of the dead bodies of human beings and animals and of other offensive matters;

- (h) regulation of *melas* and markets within its area except those managed by the State Government;
- (i) establishing and maintaining primary schools for boys and girls;
- (j) establishment, management and care of common grazing grounds and land for the common benefit of the persons residing within its jurisdiction;
- (k) construction, repair and maintenance of public wells, tanks and ponds for the supply of water for drinking, washing and bathing purposes, and regulation of sources of water supply for drinking purposes;
- (l) regulating the construction of a new building or the extension or alteration of any existing building;
- (m) assisting the development of agriculture, commerce and industry;
- (n) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (o) the administration of civil and criminal justice and the selection of a panel of persons for appointment as *panches* of the Nyaya Panchayat according to the provisions of this Act and rules made thereunder;
- (p) the maintenance of such records relating to cattle census, population census and other statistics as may be prescribed;
- (q) maternity and child welfare;
- (r) allotment of places for storing manure;
- (s) maintenance and control of waste water channels and drinking places;
- (t) managing the Panchayat forests according to the rules made in this behalf;
- (u) maintenance of all such roads, water courses and hydro-electric installations the management of which has been undertaken by the Panchayat with the sanction of the State Government;
- (v) necessary financial or labour contribution for the construction of public roads, or watercourses within the Gram Sabha area under the development programme of the State Government;
- (w) filling in of insanitary depressions and levelling land; and
- (x) fulfilling any other obligation imposed by any other law on a Gram Sabha.

17. *Discretionary functions.*—A Gram Panchayat may also make provision within its jurisdiction for—

- (a) planting and maintaining trees at the sides of public streets and in other public places;
- (b) the improved breeding and medical treatment of cattle and prevention of disease in them;
- (c) organizing, subject to rules prescribed, a village volunteer force for watch and ward, for assisting Gram Panchayat and Nyaya Panchayat in the discharge of their functions and for the services of summons and notices issued by them;
- (d) assisting and advising agriculturists in the obtaining, and distribution among them, of Government loans and in the repayment thereof in the liquidation of old debt and generally in the establishment of sound credit system according to law;
- (e) development of co-operation and establishment of improved seed and implement stores;
- (f) relief against famine or other calamity;
- (g) making representation to the Tehsil Panchayat and Zilla Panchayat for performance by them of such functions in relation to the area within the jurisdiction of the Gram Sabha as is beyond the powers of the Gram Sabha;
- (h) extension of the *abadi*;
- (i) establishment and maintenance of an *akhara* or club or other place for recreation and games;
- (j) regulating the collection, removal and disposal of manure and sweepings;
- (k) prohibiting or regulating the curing, tanning and dying of skins within 220 yards of the *abadi*;
- (l) setting up organisations to promote goodwill and social harmony between different communities;
- (m) public radio sets and gramophones;
- (n) any other measure of public utility calculated to promote the moral and material well being or convenience of the villagers;

(o) construction of food storages ; and  
 (p) the doing of any thing the expenditure on which is declared by the State Government, or by the prescribed authority with the sanction of the State Government to be an appropriate charge on the fund of the Gram Sabha ;

18. *Power of Gram Panchayat as to Public Street, Waterways and other matters.*—A Gram Panchayat shall have control of all public streets, and water ways, situate within its jurisdiction not being a private street or a private water way and not being under the control of the State Government or any other authority specified by the State Government and may do all that is necessary for the maintenance and repair thereof and may—

- (a) construct new bridges or culverts ;
- (b) divert, discontinue or close any public street, culvert or bridge ;
- (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields ;
- (d) deepen or otherwise improve waterways ;
- (e) undertake small irrigation projects with the sanction of the specified authority ;
- (f) cut any hedge or branch of the tree projecting on a public street ;
- (g) notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart :

Provided that nothing shall be done under clause (g) which may effect any canal or waterway owned by the State without the prior permission of the authority prescribed by the State Government in this behalf.

19. *Improvement of Sanitation.*—For the improvement of sanitation a Gram Panchayat may by notice, direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof—

- (a) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water closet, drain, cesspool or other receptacle for filth, sullage-water, to remove or alter any door or trap or construct any drain for any such latrine, urinal or water closet which opens on to a street or drain, or to shut off such latrine, urinal or water closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood.
- (b) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood ;
- (c) to clear off any vegetation undergrowth, prickly pear or scrub-jungle ;
- (d) to remove any dirt, dung, night soil, manure or any noxious or offensive matter therefrom and to cleanse the land or building :

Provided that the persons on whom a notice under clauses (a) and (b) is served may, within 30 days of the receipt of the notice, appeal against the said notice to the District Medical Officer of Health who may, vary, set aside or confirm it.

20. *Control on Erection of buildings.*—(1) The Gram Panchayat, after preparing a model plan for the village which has been approved by the prescribed authority by written order, may—

- (a) direct that before erecting, re-erecting or adding to a building, wall, or a platform every person shall present an application accompanied by a plan to the Gram Panchayat and that no building, wall or platform shall be erected, re-erected or added in conflict with the model plan or in advance of an alignment to be specified and demarcated by the Gram Panchayat ; and
- (b) specify the space which shall intervene between any new or enlarged building and the building next adjacent or any road in the village.

(2) The Gram Panchayat shall have the power to modify, return for modification or reject the proposed plan for the erection, re-erection or addition to, a building, wall or platforms.

(3) Where any building, wall or platform has been erected, re-erected or added to in contravention of any

order passed under sub-section (1) the President may, subject to the provisions of section 127, apply to the Sub-Divisional Officer and the Sub-Divisional Officer may make an order—

- (i) directing that the work done or so much of the same as has been executed in contravention of the order passed under sub-section (1), shall be demolished by the owner of the building, wall or platform or that it shall be altered by him to the satisfaction of the Gram Panchayat within such time as may be fixed by the Sub-Divisional Officer ; or
- (ii) directing that the work done or so much of the same as has been executed in contravention of the order passed under sub-section (1) shall be demolished or altered by the Gram Panchayat at the expense of the owner within such time as may be fixed by the Sub-Divisional Officer :

Provided that the Sub-Divisional Officer shall not make any such order without giving the owner full opportunity of adducing evidence and of being heard.

(3) If any person to whom a direction to demolish or alter any building, wall or platform is given under clause (i) of sub-section (3) fails to obey the same, he shall be liable to a fine which may extend in the case of masonry building, wall or platform to one hundred rupees, and, in the case of any other building, wall or platform to twenty-five rupees and when the failure is a continuing one, to a further fine which may extend in the case of a masonry building, wall or platform to five rupees for each day on which the failure continues.

21. *Maintenance and improvement of schools and hospitals.*—(1) A Gram Panchayat—

- (a) shall, subject to such rules as may be prescribed regarding the curriculum, employment and qualification of teachers and supervision of a school, maintain any existing primary school including the buildings and furniture thereof and be responsible for its proper working and may similarly establish and maintain a new school or improve any existing school ; and
- (b) shall, subject to such rules as may be prescribed regarding the establishment, maintenance and supervision, maintain any existing Ayurvedic, Yunani or Homoeopathic hospital or dispensary including the buildings and equipments thereof and may similarly establish and maintain a new hospital or dispensary for one or more of the systems of medicine mentioned above.

(2) The State Government and Zilla Panchayats shall make such grants for the schools, hospitals or dispensary, as may be prescribed.

22. *Establishment of primary school and hospital or dispensary for a group of Gram Sabhas.*—Where a group of neighbouring Gram Sabhas have no primary school or Ayurvedic or Yunani or Homoeopathic hospital or dispensary, the Gram Panchayat thereof shall, if so directed by the prescribed authority, combine to establish and maintain or entrust to the tehsil panchayat, the establishment or maintenance of such a school, hospital or dispensary which shall be managed and financed in the manner prescribed. The State Government and the Zilla Panchayat shall make such grants for such school, hospital or dispensary as may be prescribed.

23. *Assistance to Government Servants.*—A Gram Panchayat shall, if so prescribed and so far as practicable, assist any Government servant in the performance of his duties within its area.

24. *Representations and recommendations by Gram Panchayats.*—A Gram Panchayat may make to the proper authority—

- (a) any representation concerning the welfare of the persons residing within its jurisdiction ; and
- (b) any recommendation as to the appointment, transfer or dismissal of a guard of the Forest Department, Patwari, Lambardar or Chaukidar serving in any area within the jurisdiction of such Gram Panchayat.

25. *Power to enquire and report about the misconduct of certain officials.*—On receiving a complaint from any person, residing within the jurisdiction of a Gram Panchayat about any misconduct in the discharge of his official duties by any bailiff, process server, vaccinator, constable, chaukidar, patwari, guard of Forest Department or peon of any Govt. Department, such Panchayat may, if there be *prima facie* evidence, forward the complaint to the proper authority with its own report. The authority shall, after such further enquiry as may be required, take suitable action and inform the Gram Panchayat of the result.

26. *Power to contract for collection of taxes and other dues for land owners.*—A Gram Panchayat may, as prescribed and in respect of any area within its jurisdiction enter into a contract—

- (a) with the State Government to collect any taxes or dues payable to the Central Government on being allowed by the State Government such collection charges as may be prescribed, or
- (b) with all or any of the landowners to collect rent on his or their behalf on being allowed by the landowner such collection charges as may be prescribed.

27. *Secretary.*—(1) Subject to such directions as the State Government may give, there shall be appointed by such authority as may be prescribed a Secretary for every Gram Panchayat or a group of Gram Panchayats. The Secretary so appointed shall be *ex-officio* Secretary of the Gram Sabha or Gram Sabha concerned.

(2) The Secretary shall, in the matter of leave, promotion, transfer, dismissal, removal and other disciplinary action be under the administrative control of the prescribed authority aforesaid which shall exercise its powers and functions in the manner prescribed :

Provided that an order of the prescribed authority removing or dismissing a Secretary shall be appealable within a period and in the manner prescribed, to the District Magistrate, or if any other authority is prescribed in this behalf to such other authority.

28. *Staff.*—A Gram Panchayat may propose to the prescribed authority other staff for employment, whole-time or part-time, the salaries and allowances, if any, to be paid to them and the duties to be assigned to each one of them. The prescribed authority may, as prescribed, approve, modify or reject the proposal. If the proposal is not rejected, the Gram Panchayat may appoint the staff in accordance with the scheme as approved by the prescribed authority.

(2) A Gram Panchayat may, subject to the approval of the prescribed authority, make any change in the scheme aforesaid.

(3) Notwithstanding anything contained in sub-section (1), a Gram Panchayat may, in case of any emergency, appoint a servant without the sanction of the prescribed authority, for a period not exceeding three months.

(4) The power of appointment, discharge or dismissal of a servant of a Gram Panchayat shall be exercised by the Panchayat but the power of promotion, disciplinary action or punishment other than that of discharge or dismissal may be delegated to such officer of the Panchayat as may be prescribed :

Provided that an appeal from the order of such officer shall lie to the Gram Panchayat in the manner prescribed.

29. *Right of individual members.*—At any meeting of a Gram Panchayat a member may, in the manner prescribed, move any resolution and put question, to the President and Vice-President on matters connected with the administration of the Gram Panchayat.

30. *Penalty for causing loss, waste or misapplication of money or property of the Gram Panchayat.*—(1) Every member of the Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, any joint committee, or any other committee constituted under this Act shall be liable for the loss, waste or misapplication of any money, or property belonging to the Gram Panchayat, Tehsil Panchayat, or Zilla Panchayat, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of any Panchayat, joint committee or other committee, and a suit for compensation may be instituted against him by the Panchayat, of which he is a member, with the previous sanction of the prescribed authority.

(2) If the prescribed authority sanctions the institution of a suit under sub-section (1) or refuses to grant the sanction, the member concerned or the Gram Panchayat as the case may be, may, within 30 days of such sanction or refusal, appeal to the State Government or prescribed appellate authority against the said sanction or refusal.

(3) The State Government may institute a suit mentioned in sub-section (1) on its own initiative.

31. *Committee.*—Subject to the prescribed conditions, a Gram Panchayat may establish a Committee to assist it in the discharge of any specified duty or class of duties and may delegate to such committee such of its powers as may be necessary for the purpose of rendering such assistance.

32. *Joint Committee.*—Subject to such rules as may be prescribed two or more Gram Sabhas may combine by

means of a written instrument to appoint a joint committee consisting of their representatives for the purpose of transacting any business in which they are jointly interested :

Provided that they may instead of appointing a joint committee entrust the transaction of that business to the Tehsil Panchayat by a written instrument.

33. *Work to be entrusted to Joint Committees or Tehsil Panchayats.*—(1) If two or more Gram Sabhas are jointly interested in transacting any business they may delegate to the Joint Committee formed in accordance with the provisions of section 32 or to the Tehsil Panchayat, power, with such conditions as they may think proper to impose, to frame any scheme binding on each Gram Sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Sabha in relation to such scheme :

Provided that the Gram Sabhas shall pay the cost of the transaction of the business or the execution of the scheme as to the construction and maintenance of any joint work in such proportion as may be agreed upon in the written instrument mentioned above.

(2) The Gram Sabhas may frame and modify rules regarding the continuation of such a Committee and the term of office of Members thereof and the method of conducting proceedings and correspondence.

(3) If any difference of opinion arises between the Gram Sabhas acting under this Section, it shall be referred to the prescribed authority whose decision shall be final.

34. *Members and servants to be public servants.*—Every member or servant of a Nyaya Panchayat, a Gram Panchayat, a Tehsil Panchayat, a Zilla Panchayat, a Joint Committee or any other committee constituted under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

35. *Delegation.*—All the duties, powers and functions of the Gram Sabha except those specified in Chapter III and section 32 and 41 shall be exercised, performed or discharged by the Gram Panchayat and not otherwise.

36. *Gram Fund.*—(1) Vested in each Gram Sabha there shall be a Gram Fund which shall be utilized by the Gram Panchayat in accordance with the provisions of the budget passed under section 13 :

Provided that if the Gram Sabha or the Panchayat fails to meet charges in connection with its duties under this Act, the prescribed authority may utilize a part of the Gram Fund to meet any one or more of those charges.

(2) The following shall be credited to the Gram Fund :—

- (a) the proceeds of any tax imposed under this Act;
- (b) all sums handed over by the State Government to the Gram Sabha;
- (c) the balance, if any, standing to the credit of the Village Panchayat previously in existence under the Punjab Village Panchayat Act, as applied to Himachal Pradesh;
- (d) all sums ordered by a court to be placed to the credit of the Gram Fund;
- (e) all sums received under section 129;
- (f) the sale proceeds of all dust, dirt, dung or refuse including the dead bodies of animals collected by the servants of the Gram Panchayat;
- (g) such portion of the rent or other proceed of nazul property as the State Government may direct to be placed to the credit of the Gram Fund;
- (h) sums contributed to the Gram Fund by any Tehsil Panchayat, Zilla Panchayat or other local authority;
- (i) all sums received by way of loan or gift;
- (j) such other sums as may be assigned to the Gram Fund by any special or general order of the State Government; and
- (k) all sums received by the Gram Panchayat from any individual or corporation or the State Government under section 26 or any other law.

37. *Preparation and presentation of Budget.*—

(1) (a) Every Gram Panchayat shall prepare and lay before the winter meeting of the Gram Sabha a budget estimate of its income and expenditure for the year commencing on the 1st day of Baisakh next following.

(b) Every Gram Panchayat shall prepare and lay before the summer meeting of the Gram Sabha its report including the accounts of its actual and expected receipts and expenditure for the year ending on the last day of Chait preceding such meeting.

(2) The Gram Sabha may pass or refer back to the Gram Panchayat the budget submitted to it for re-consideration with such direction as it may give in the manner prescribed and may likewise pass a recommendatory resolution in respect of the report or of any other matter.

(3) (a) If the budget is referred to the Gram Panchayat for re-consideration as aforesaid, the President shall call an extraordinary general meeting of the Gram Sabha to be held within the fortnight of the said annual meeting and the Gram Panchayat shall re-submit the budget at the said meeting with such modifications as may be necessary in the light of the directions of the Sabha, and the Gram Sabha shall then pass the budget in the manner prescribed.

(b) Subject to rules made in this behalf, the budget shall take effect after it has been approved by the prescribed authority, and a Gram Panchayat may incur expenditure under any of the heads of the budget in excess of the amount approved under that head without variation or alteration of the budget with the approval of the prescribed authority.

#### CHAPTER V

##### Acquisition of Land, Taxation, Gram Fund and Property

38. *Power to acquire land.*—Where a Gram Sabha, a Tehsil Panchayat, a Zilla Panchayat or a number of Gram Sabhas which have combined under the provisions of section 22 or 32 require land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation, and if the parties concerned fail to arrive at an agreement, such Gram Sabha, or Gram Sabhas, Tehsil Panchayat, or Zilla Panchayat, as the case may be, may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Gram Sabha or Gram Sabhas, Tehsil Panchayat or Zilla Panchayat.

*Explanation.*—In this chapter the expression 'land' includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.

39. *Property vested in Gram Sabha.*—(1) Subject to any special reservation made by the State Government, all public property situated within the jurisdiction of a Gram Sabha shall vest in and belong to the Gram Sabha, and shall, with all other property, which may become vested in the Gram Sabha, be under its direction, management and control.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Gram Panchayat which shall receive the dues levied or imposed in respect thereof:

Provided that such part of the dues levied or imposed in respect thereof as may be prescribed shall be credited to the Gram Fund and the rest shall be paid to the Zilla Panchayat by the Gram Panchayat.

40. *Disposal of claims.*—Where any dispute arises as regards the ownership of any property mentioned in section 39 between a Gram Sabha and any person, the Gram Panchayat shall give such persons a reasonable opportunity of being heard and then decide whether the said property should be treated as the property of Gram Sabha.

41. *Power to borrow.*—With the sanction of the prescribed authority and subject to such conditions as may be prescribed, a Gram Sabha may borrow money from the State Government to carry out any of the purposes of this Act.

42. *Taxes which may be imposed.*—(1) Subject to the prescribed rules and any orders made by the State Government in this behalf, a Gram Sabha may impose the following taxes—

- (a) a tax on the rent payable under the provisions of the Punjab Tenancy Act, 1887 as applied to the Himachal Pradesh not exceeding one anna in a rupee of such rent;
- (b) a tax on rent received by any land-owner on account of land as defined in Section 4 of the Punjab Tenancy Act as applied to Himachal Pradesh, not exceeding one anna in a rupee of such rent, the tax aforesaid being payable by the person or persons severally or jointly recorded as land owners;
- (c) A tax on the value of the produce of *khud kasht* land of the land-owner to be determined in the prescribed manner at the rate not exceeding six pies in a rupee;
- (d) a tax on registration of marriages and births and on entertainments at such rates and in such manner as may be prescribed;

(e) a tax on buildings at such rates as may be prescribed, not exceeding one per cent. of the value of the building.

Provided that it shall be open to the tax payer to pay his tax by rendering the prescribed number of labour units;

(f) a tax on the construction of buildings within the Gram Sabha area at a rate not exceeding Rupees five per building as may be prescribed;

(g) a tax on the transfer of immovable property within the Gram Sabha area at a rate not exceeding one anna in a rupee of the sale price or consideration of the transfer.

(2) If a tax under any of the clauses (a), (b) or (c) is imposed, a tax under the rest of the three clauses mentioned above shall also be imposed, and the rates imposed under all the three clauses shall bear to one another the same ratio as do the maximum rates specified thereunder.

(3) The taxes under section (1) shall be imposed, assessed and realised in such manner as may be prescribed.

43. *Realisation of due custody of funds and accounts.*—The Gram Panchayat shall, as prescribed, arrange for the realisation of taxes and dues, custody of its funds and maintenance of accounts.

44. *Expenses of Nyaya Panchayat.*—The expenses of the Nyaya Panchayat shall be charged to the Gram Fund of each unit in a circle in equal shares.

45. *Receipts of the Nyaya Panchayat.*—All sums realised by way of court fees in any case, suit, or proceeding or by way of fine in cases tried and disposed of by a Nyaya Panchayat shall be handed over by the State Government to the Gram Sabhas situated within the jurisdiction of the Nyaya Panchayat in equal shares.

46. *Audit.*—The accounts of every Gram Sabha shall be audited as prescribed.

#### CHAPTER VI

##### The Nyaya Panchayat

47. *Circle for Nyaya Panchayat.*—The State Government or the prescribed authority shall divide a district into circles, each circle comprising as many areas subject to the jurisdiction of Gram Sabhas as may be expedient, and establish Nyaya Panchayats for each such circles:

Provided that the areas of Gram Sabhas within each circle shall, as far as possible, be contiguous.

48. *Constitution of Nyaya Panchayat.*—(1) Every Gram Sabha in a circle shall in the prescribed manner select ten adults of prescribed qualifications permanently residing within its jurisdiction for the Nyaya Panchayat of that circle:

Provided that two out of the persons selected by Panchayat Sabha shall be such as are able to record proceedings.

(2) Out of ten persons so selected the District Judge shall nominate five to work as Panches of the Nyaya Panchayat. The Panches so nominated in the circle shall form a panel.

49. *Election of Sarpanch.*—All the Panches nominated under Section 48 shall elect from amongst themselves a person, who shall act as Sarpanch of the Nyaya Panchayat:

Provided that any dispute arising out of such election shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any Court of law.

50. *Term of Nyaya Panchayat.*—The term of office of every Panch shall be three years from the date of his nomination.

51. *Oath of office.*—Every Panch nominated under Section 49 shall be soon as possible after his nomination take oath of office in the manner prescribed.

52. *Resignation.*—A Panch may submit his resignation to the prescribed authority.

53. *Removal.*—(1) A Panch may be removed at any time by the prescribed authority in the manner and for the reasons prescribed.

(2) A Panch removed under Section (1) shall not be re-nominated as a Panch for a period of three years.

54. *Constitution of Benches.*—(1) The Sarpanch or, in his absence from the circle, the Panch approved by him to act in this behalf shall, for the trial of each case, suit or proceeding, form a Bench of five panches in the following manner:

(a) Atleast one of the panches in the Bench shall be a person who is able to record evidence and proceeding; and

(b) every such Bench shall include one Panch who resides in the area of the Gram Sabha in which the plaintiff of a suit or proceeding or the complainant of a case resides and likewise one panch residing in the area of the Gram Sabha in which the defendant or the accused resides and three Panches residing in the area of the Gram Sabha or Gram Sabhas in which neither party resides :

Provided that in police cases instead of a Panch from the area in which the complainant in a complaint case resides, there shall be a Panch residing in the area of the Gram Sabha in which the offence was committed.

(2) Notwithstanding anything contained in sub-section (1) a suit, case or proceeding may be tried, heard, or decided by any three or four of the five Panches of the Bench and no trial, hearing or decision shall be invalid merely because only three or four of the Panches were present at the trial.

(2) No Panch or Sarpanch shall take part in any case, suit or proceeding to which he or his near relation, employer, employee or partner in business is a party or in which any of them may be personally interested.

(4) Notwithstanding anything in this section the State Government may by rules prescribe the constitution of special benches for determining any dispute arising between any parties or Gram Sabhas of different circles or for any other purpose.

55. *Filling of casual vacancies.*—If a vacancy in the office of a Panch arises by reason of his death, removal or resignation, it shall be filled for the unexpired portion of his term in the manner prescribed and if the panch vacating the office was a Sarpanch, he shall be elected in the manner provided in Section 49.

56. *Territorial Jurisdiction.*—(1) Notwithstanding anything contained in the Criminal Procedure Code, 1898, every case instituted under this Act shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the offence was committed :

Provided that such case may be instituted before such Panch as has been authorised by the prescribed authority to receive complaints in the area in which the offence was committed.

(2) Notwithstanding anything contained in the Civil Procedure Code, 1908 or in the Punjab Tenancy Act, 1887 as applied to Himachal Pradesh, every suit instituted under this Act shall be instituted either before the Sarpanch of the Nyaya Panchayat of the circle in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time of the institution of the suit irrespective of the place where the cause of action arose :

Provided that such suits may be instituted before such a Panch of the Nyaya Panchayat as has been authorised by the prescribed authority to receive plaints in the area in which the defendant or any of the defendants ordinarily resides or carries on business at the time of the institution of the suit.

(3) Notwithstanding anything contained in the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh, every proceeding specified under Section 73 shall be transferred by the Tehsildar to the Nyaya Panchayat within the local area on which the land concerned is situated and the Nyaya Panchayat shall decide such proceeding in the manner prescribed :

Provided that where land is included in the local area of more than one Nyaya Panchayat, the Tehsildar shall transfer the proceedings to the Nyaya Panchayat within the area of which the greater part of the land is situated.

57. *Offences cognizable by Nyaya Panchayat.*—Offences mentioned in Schedule I, if committed within the jurisdiction of a Nyaya Panchayat and abetment of and attempts to commit such offences shall be cognizable by such Nyaya Panchayat.

58. *Security for keeping peace.*—(1) Whenever the Sarpanch of the Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquility, he may call upon such person to show cause why he should not execute a bond for an amount not exceeding Rs. 100 with or without sureties for keeping the peace for a period not exceeding 15 days.

(2) The Sarpanch shall, after the issue of such notice, constitute within three days a Bench to deal with the matter :

Provided that at least one Panch of such Bench shall belong to the Gram Sabha in which such person resides.

(3) The Bench may either confirm the order or discharge the notice after hearing such person and such witnesses as he may produce within the time fixed by the Nyaya Panchayat.

59. *Penalties.*—(1) A Nyaya Panchayat may impose a fine not exceeding Rs. 100 but shall not inflict a sentence of imprisonment, either substantive or in default of payment of fine.

60. *Cognizance of suits.*—No Court shall take cognizance of any case or suit which is cognizable under this Act by a Nyaya Panchayat established for area in which the suit relates unless an order has been passed by a Sub-Divisional Judge under Section 89 or Section 93.

61. *Transfer of Criminal proceeding to the Nyaya Panchayat in certain cases.*—If at any stage of the proceedings in a criminal case pending before a magistrate it appears that the case is triable by a Nyaya Panchayat, he shall at once transfer the case to that Nyaya Panchayat, which shall try the case de novo.

62. *Summary disposal of complaint.*—A Nyaya Panchayat may dismiss any complaint, if after examining the complainant and taking such evidence as he produces, it is satisfied that the complaint is frivolous, vexatious or untrue.

63. *Return of complaint.*—If at any time it appears to a Nyaya Panchayat—

- (a) that it has no jurisdiction to try any case before it, or
- (b) that the offence is one for which it cannot award adequate punishment, or
- (c) that the case is of such a nature or complexity that it should be tried by a regular court, it shall return the complaint to the complainant directing him to file it before the magistrate, having jurisdiction to try such case;

64. *Certain persons not to be tried by the Nyaya Panchayat.*—No Nyaya Panchayat shall take cognizance of any offence where the accused—

- (a) has been previously convicted of an offence with imprisonment of either description for a term of three years or more, or
- (b) has been previously fined for theft by any Nyaya Panchayat, or
- (c) has been bound over to be of good behaviour under Section 109 or 110 of the Code of Criminal Procedure, 1898, or
- (d) has been previously convicted of gambling.

65. *Compensation to the accused.*—If a Nyaya Panchayat is satisfied after inquiry that a case brought before it was false, frivolous or vexatious it may order the complainant to pay to the accused such compensation not exceeding five rupees as it thinks fit.

66. *Enquiry in cases forwarded by Magistrate.*—A Magistrate may direct an inquiry to be made under Section 202 of the Code of Criminal Procedure, 1898, by a Nyaya Panchayat in any case in which the offence was committed within the territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall inquire into the case and submit its report to the said Magistrate.

67. *Extent of jurisdiction.*—(1) The jurisdiction of a Nyaya Panchayat shall extend to any suit of the following description if its value does not exceed one hundred rupees—

- (a) a suit for money due on contract other than a contract in respect of immovable property;
- (b) a suit for the recovery of movable property or for the value thereof;
- (c) a suit for compensation for wrongfully taking or injuring a movable property;
- (d) a suit for damages caused by cattle trespass; and
- (e) a suit under clauses (j) & (n) of sub-section (3) of Section 77 of the Punjab Tenancy Act as applied to Himachal Pradesh.

(2) Notwithstanding any thing contained in sub-section (1) the State Government or the prescribed authority may by notification in the official gazette extend the pecuniary jurisdiction of Nyaya Panchayat to Rs. 500 in respect of any or all the suits of the description mentioned in sub-section (1).

68. *Extension of jurisdiction by agreement of the parties.*—Parties to a suit may, by a written agreement, refer any suit of the nature mentioned in Section 84 to a Nyaya Panchayat for decision by it irrespective of the value of the suit, and the Nyaya Panchayat shall, subject to the rules prescribed determine and dispose of such suit under this Act.

69. *Exclusion of Nyaya Panchayat's jurisdiction.*—A Nyaya Panchayat shall have no jurisdiction to take cognizance of any of the following suits—

- (1) A suit or a balance of partnership account;
- (2) a suit for a share or part of a share under intestacy or for a legacy or part of a legacy under a will;
- (3) A suit by or against the State or a public servant for acts done in his official capacity;
- (4) a suit by or against a minor, or a person of unsound mind.

70. *Suits to include the whole claims.*—(1) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring it within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of the claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

71. *Limitation.*—Every suit instituted before a Nyaya Panchayat after the period of limitation prescribed therefor in the schedule shall be dismissed, even though limitation has not been set up as a defence.

72. *Effect of decision by Nyaya Panchayat.*—The decision of the Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

73. *Proceedings.*—(1) The Tehsildar shall transfer to the Nyaya Panchayat, if any, having jurisdiction, all applications:—

- (a) under Section 101 of the Punjab Land Revenue Act, as applied to Himachal Pradesh, for defining, in accordance with the land revenue record, the limits of any holding, field or other portion of an estate and the Panchayat may so define the limits and may, for the purpose of indicating those, limits, require survey-marks to be erected or repaired;
- (b) under Section 36 of the said Act, if the relief required is the restoration of possession to the lawful occupant who is found to have been wrongfully dispossessed of landed property within a period of three months previous to the date of filing the application in the office of the Tehsildar :

Provided that the Tehsildar may, for sufficient reasons to be recorded, refer any such application to the Sub-Divisional Officer who shall decide whether the application should or should not be transferred to the Panchayat.

(2) A Revenue Officer may in a proceeding under Section 36 (2) of the said Act, call for a report from the Panchayat on a question of fact.

74. *Procedure in revenue Proceedings.*—In proceedings under the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh, the Nyaya Panchayat shall follow the prescribed procedure.

75. *Res Judicata and pending suits.*—(1) No Nyaya Panchayat shall try any suit, proceedings or issue in respect of any matter which is pending for decision, or has been heard or decided by a court of competent jurisdiction in former suit between the same parties or between the parties under whom they or any of them claim;

(2) Where a case is pending in any Court against an accused person in respect of any offence of where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of any such offence, or on the same facts, if any other offence of which the accused might have been charged or convicted.

76. *Concurrent jurisdiction.*—Where a case, suit or proceeding is maintainable in more than one Nyaya Panchayat, the plaintiff or the complainant or the applicant, as the case may be may bring the case, suit or proceeding in any one of such Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the Sub-Divisional Judge or Sub-Divisional Officer having jurisdiction, as the case may be.

77. *Institutions of suits and case.*—(1) Any person may institute a case, or a suit before a Nyaya Panchayat by an oral or written application to the Sarpanch or the Panchayat or to such Panch as has been appointed by the prescribed authority in this behalf and shall at the same time pay the prescribed fee. The Court Fee Act 1870 shall not apply to Nyaya Panchayats except as may be prescribed.

(2) In every suit, the plaintiff shall state its value.

78. *Substance of the application to be recorded in register.*—(1) Where a suit, or a case is instituted orally, the Sarpanch or Panch receiving the application shall record without delay the prescribed particulars and take the signature or thumb-impression of the applicant thereon.

(2) The Sarpanch or in his absence such Panch as is mentioned in Section 77 shall thereupon or on a reference by Tehsildar appoint a Bench of the Nyaya Panchayat under Section 54 and refer the said application to that Bench for disposal and shall also fix a date for the first hearing of the application before the said Bench and give notice of the said date to the applicant and to the members thereof;

79. *First hearing and election of the chairman of the Bench.*—On the date fixed for the first hearing of a suit, case or proceeding, the Bench formed under Section 78 shall, unless the Sarpanch is a member of it, choose one of their members to be the Chairman of that Bench to conduct the proceedings and shall take up the suit, case or proceeding as the case may be.

80. *Absence of parties in suits and cases.*—(1) If the plaintiff, the complainant or the applicant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the suit, case or proceeding or pass such order as it may deem fit.

(2) The Nyaya Panchayat may hear and decide the suit or proceeding in the absence of the defendant or opposite party, if the summons have been served upon him or if he has been informed of the time and place fixed for hearing.

81. *Nyaya Panchayat not to revise or alter its decision.*—(1) Except as provided in sub-section (2) or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise, or alter any decree or order passed by it.

(2) On an application made within one month of the date of the decree or order for knowledge thereof in case personal service of summons has not been affected a Nyaya Panchayat may, for sufficient reasons to be recorded, restore any suit or proceeding which has been dismissed in default or in which a decree or order has been passed *ex parte*.

82. *No legal Practitioner to appear.*—No legal practitioner shall appear, plead or act, on behalf of any party in any suit, case proceeding or appeal before a Nyaya Panchayat.

83. *Appearance in person by representative.*—Subject to the provisions of Section 82 any party to a suit, case or proceeding may appear before a Nyaya Panchayat either in person or by such servant (not being a tout or a petition writer partner relation or friend authorized by him and permitted by the Nyaya Panchayat to represent him.

84. *Special jurisdiction in matters compromise, etc.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, a Nyaya Panchayat may decide any civil or revenue dispute arising in its local area and not pending in any court in accordance with any settlement, compromise or oath agreed upon by the parties and likewise decide a case if compoundable.

85. *Procedure and power to ascertain truth.*—(1) The Nyaya Panchayat shall receive such evidence in a suit, case or proceeding as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue.

(2) The Nyaya Panchayat may make local investigation in the village to which the dispute relates.

(3) It would be the duty of the Nyaya Panchayat to ascertain the facts of every suit, case or proceeding before it by every lawful means in its power and thereafter to make such decree, or order with or without costs, as to it may seem just and legal.

(4) The Nyaya Panchayat shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908, the Indian Evidence Act, 1872, the Code of Criminal Procedure, 1898 and the Indian Limitation Act, 1908, shall not apply to any suit, case or proceeding in a Nyaya Panchayat except as provided in this Act or as may be prescribed.

86. *Majority to prevail.*—In the event of any disagreement between the Panches, the opinion of the majority shall prevail.

87. *Dismissal of suits, etc.*—A Nyaya Panchayat may dismiss any suit or proceeding if after examining the plaintiff or the applicant it is satisfied that the suit or proceeding is frivolous, vexatious or untrue.

88. *Summons to defendant or accused.*—A Nyaya Panchayat after an application is made under Section 77 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or an opposite party requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place.

89. *Failure of the accused to appear.*—(1) If the accused fails to appear or cannot be found, the Nyaya Panchayat shall report the fact to the nearest Magistrate.

(2) The Magistrate shall issue a warrant for the arrest of the accused and shall direct by an endorsement on the warrant that if such person executed a bond with sufficient sureties for his appearance before himself in the manner provided by Section 76 of the Criminal Procedure Code 1898, he shall be released from custody.

(3) When the accused appears before the Magistrate he shall ask the accused whether he claims the right to be defended by a legal practitioner and record his statement.

(4) If the accused claims the right to be defended by a legal practitioner, the Magistrate shall send the case and accused to the Sub-Divisional Judge having jurisdiction in the matter. The Sub-Divisional Judge shall then cancel the jurisdiction of the Nyaya Panchayat with regard to the case and try the case himself.

(5) If the accused does not want to be defended by a legal practitioner, the Magistrate shall direct him to execute a bond with or without sureties to appear before the Sarpanch or any Panch appointed in that behalf on such date as he may direct and thereafter to continue to appear before the Nyaya Panchayat as directed by such Panch or the Nyaya Panchayat :

Provided that if the accused at any time during the course of the trial claims the right to be defended by a legal practitioner, the Nyaya Panchayat shall record his statement and send the case to the Sub-Divisional Judge having jurisdiction in the matter. The Sub-Divisional Judge shall then cancel the jurisdiction of the Nyaya Panchayat with regard to the case and try it himself.

(6) On his failure to execute such bond, the Magistrate shall order the accused to be produced in custody before the Sub-Divisional Judge having jurisdiction in the matter on such date within fifteen days as he may direct.

90. *Issue of Summons to witnesses.*—A Nyaya Panchayat may, if it considers the evidence of, or the production of a document by, any person necessary in a suit case or proceeding, issue and cause to be served in the prescribed manner, a summons on such person to compel his attendance or to produce or cause the production of such document and such person shall be bound to comply with the direction contained in the summons.

91. *Penalties for failing to appear before the Nyaya Panchayat.*—If any person who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty-five rupees :

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat. She may be examined on commission in the manner prescribed :

Provided further that if a document is produced in obedience to a summons issued under this section, the Nyaya Panchayat shall cause the document to be copied, mark the copy, after comparing with the original, to be true copy and return the original document to the person producing the same.

92. *Appeal.*—(1) An appeal against any order or decision of a bench of the Nyaya Panchayat shall be preferred within a period of 30 days after the date of passing of such order or decision to the Full Bench of the Nyaya Panchayat consisting of the Sarpanch and all the panches of the circle and shall be heard by it in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) an appeal may be heard or decided by nine or more of the Panches of the Full Bench of the circle and no hearing or decision shall be invalid merely because of the presence of only nine or more of the Panches at the hearing ;

Provided that—

(a) at least three of the panches of the bench which decided the case, suit or proceeding are present at the hearing ;

(b) the rest of the members of the Full Bench present at the hearing are from at least four Gram Sabhas.

93. *Revision.*—(1) A revision from any order or decree passed by a Bench or a Full Bench of the Nyaya Panchayat in a case or unit shall lie to the Sub-Divisional Judge, and in proceedings under the Punjab Revenue Act, 1887 as applied to Himachal Pradesh, to the Sub-Divisional Officer having jurisdiction in the matter.

(2) If there has been a miscarriage of justice or if there is an apprehension of mis-carriage of justice in any case, suit or proceeding or if the Bench or the Full Bench of the Nyaya Panchayat has exercised jurisdiction not vested in it by law, the Sub-Divisional Judge in respect of any case or any suit and the Sub-Divisional Officer in respect of any proceeding under the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh may on the application of any party or on his own motion, at any time in a pending case, suit or proceeding as the case may be, and within 60 days from the date of decree or order, call for the record of the case, suit or proceeding, as the case may be from the Nyaya Panchayat and for reasons to be recorded in writing—

(a) cancel the jurisdiction of the Nyaya Panchayat with regard to any case, suit or proceeding, or  
(b) quash any decree or order passed by the Nyaya Panchayat at any stage.

(3) Where an order has been passed by the Sub-Divisional Judge under sub-section (1) in respect of any case or suit, trial on complaint or otherwise in respect of the same offence, or on the same cause of action and for the same relief may be started in the court of the Sub-Divisional Judge, having jurisdiction to try the case or suit, and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(4) Where an order has been passed under sub-section (1) by a Sub-Divisional Officer in respect of any proceeding under the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh, a proceeding in respect of the same relief and on the same facts may be started before the Revenue Court having jurisdiction in the matter, and the period from the date such proceeding was pending before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh proceeding.

94. *Finality of the Decree or order of the Nyaya Panchayat.*—Subject to the provisions of Sections 92 and 93, a decree or order passed by a Nyaya Panchayat in any suit, case or proceeding under this Act shall be final.

95. *Frivolous applications for Revision.*—If any application under sub-section (2) of Section 93 is frivolous, the applicant may be fined upto rupees fifty by the Sub-Divisional Judge, Magistrate or the Sub-Divisional Officer as the case may be.

96. *Payment or adjustment of decree to be recorded.*—If on the application of the decree-holder or the judgement-debtor, the Nyaya Panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register.

97. *Execution of decrees.*—(1) A decree or order passed by a Nyaya Panchayat shall be executed in such manner as may be prescribed. If the defendant's property is situated outside the jurisdiction of the Nyaya Panchayat passing such order or decree, it may transfer the decree or order for execution in the prescribed manner to the Nyaya Panchayat within whose jurisdiction the property may be situated, and if there be no such Nyaya Panchayat then to the Court of the Sub-Divisional Judge within whose jurisdiction it may be situated.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree, it may forward the decree to the Sub-Divisional Judge, and the Sub-Divisional Judge shall then execute the decree as if it were a decree passed by him.

(3) An order under the Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh, shall as far as possible, be executed as provided in sub-section (1) and (2). Sub-section (2) shall be read and construed as if for the words "Sub-Divisional Judge" the words "Sub-Divisional Officer" were substituted.

98. *Recovery of fines.*—The fine imposed in a case by a Nyaya Panchayat shall be recoverable in the manner provided in Section 386 of the Code of Criminal Procedure, 1898. If the Nyaya Panchayat finds any difficulty in its recovery, it may request the Sub-Divisional Judge within whose jurisdiction the circle of the Nyaya Panchayat lies to recover it and he shall recover it as if the sentence of fine had been passed by him.

## CHAPTER VII

## Tehsil &amp; Zilla Panchayat

99. *Constitution of Tehsil Panchayat and Zilla Panchayat.*—The State Government shall by notification establish a Tehsil Panchayat and a Zilla Panchayat for each Tehsil and Zilla.

100. *Number of members.*—The number of members of a Tehsil Panchayat or a Zilla Panchayat shall be between six and forty as may be prescribed by the State Government.

101. *Appointment and election of members of Tehsil Panchayat.*—A Tehsil Panchayat shall be constituted of—

- (a) members appointed by the State Government either by name or by official designation;
- (b) elected members, one member being returned by each Gram Panchayat, Municipal Committee, and Notified Area Committee of the Tehsil as its representative in the Tehsil Panchayat:

Provided that the number of the appointed members shall not exceed twenty five per cent. of the total number of members of the Tehsil Panchayat.

102. *Appointment and Election of members of Zilla Panchayat.*—A Zilla Panchayat shall be constituted of—

- (a) members appointed by the State Government by name or official designation;
- (b) elected members—the number to be returned by each Tehsil Panchayat of the district as its representative in the Zilla Panchayat being as prescribed:

Provided that the number of appointed members shall not exceed forty per cent. of the total number of members of the Zilla Panchayat.

103. *President.*—(1) The Tehsildar shall function as the President of the Tehsil Panchayat and the Deputy Commissioner as the President of the Zilla Panchayat.

(2) In the absence of the Tehsildar or the Deputy Commissioner, the Tehsil Panchayat or the Zilla Panchayat, as the case may be, shall elect a President for the meeting.

104. *Quorum.*—For a meeting of the Tehsil Panchayat or the Zilla Panchayat one third of the total number of members of the Tehsil Panchayat or Zilla Panchayat, as the case may be, shall form the quorum:

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

105. *Term of office of members.*—The term of office of a member of the Tehsil Panchayat or the Zilla Panchayat shall be three years:

Provided that the term of the office of a member appointed or elected to fill a casual vacancy shall be the unexpired portion of the term of the person in whose place he has been appointed or elected.

106. *Meetings.*—(1) The Tehsil Panchayat will ordinarily meet once a month.

(2) The Zilla Panchayat will ordinarily meet once a quarter.

(3) A meeting of the Tehsil Panchayat or Zilla Panchayat may be called at any time by the Tehsildar or the Deputy Commissioner, as the case may be, on his own motion or on the requisition of at least five members of the Panchayat.

107. *Local Rate.*—(1) Except as hereinfore provided all land shall be subject to the payment of a rate, to be called the local rate at twenty per cent. of the land revenue, which shall be payable and recoverable along with the land revenue.

(2) State Government may by notification—

- (a) exempt any land or class of land from the levy of the local rate, or
- (b) in respect of the whole or in part of the area subject to the authority of Tehsil Panchayat, abolish or reduce, or on the recommendation of the Tehsil Panchayat, increase the local rate.

108. *Appropriation of proceeds of local rate.*—The proceeds of the local rate levied in each Tehsil shall be allotted to the Tehsil Panchayat established for the Tehsil under this Act.

109. *Tehsil Fund.*—There shall be a Tehsil Fund for each Tehsil Panchayat and shall be constituted as below—

- (a) contribution from Gram Panchayats of the Tehsil,
- (b) local rate,
- (c) grants by the Government, and
- (d) donation and other receipts.

110. *Taxation.*—(1) Subject to the general or special orders that the State Government may make in this behalf and subject to the rules made by the Zilla Panchayat under this Act in this behalf the Zilla Panchayat may impose any of the following taxes—

- (a) a tax on trade, callings, and professions,
- (b) a tax on fairs,
- (c) a tax on conveyance, vehicles and beasts of burden.

(2) Notwithstanding anything contained in sub-section (1) no tax shall be imposed except with the previous sanction of the State Government.

111. *Reduction or remission of taxes.*—A Zilla Panchayat may reduce or remit any tax payable by any person on the ground of his poverty or lack of means.

112. *Zilla Fund.*—There shall be a Zilla Fund for each Zilla Panchayat and shall be constituted as below—

- (a) tax imposed by the Zilla Panchayat,
- (b) grants by the Government, and
- (c) donations and other receipts.

113. *Expenditure.*—The expenses of the Tehsil Panchayat or the Zilla Panchayat shall be charged to the Tehsil Fund or the Zilla Fund as the case may be.

114. *Staff.*—The Tehsil Panchayat or the Zilla Panchayat may appoint any number of servants for carrying out the functions of the Tehsil Panchayat or the Zilla Panchayat, as the case may be. The power of dismissal, discharge and punishment of the servants so appointed shall vest in the Panchayat by which they have been appointed.

115. *Duties of Tehsil Panchayat.*—The Tehsil Panchayat shall, subject to the rules made in this behalf and in so far as its funds may allow, perform the following duties—

- (a) holding Panchayat conferences,
- (b) arrangement for adult education,
- (c) establishment and maintenance of libraries, reading rooms, etc.,
- (d) organisation of centre for the training of Panches,
- (e) other duties as may be prescribed.

116. *Duties of Zilla Panchayat.*—The Zilla Panchayat shall, subject to the rules made in this behalf and in so far as its fund may allow, perform the following duties—

- (a) the management of all property vested in the Zilla Panchayat;
- (b) construction, repair and maintenance of public roads and other means of communications;
- (c) the establishment, management, maintenance and visiting of public hospital, dispensary, dharmashala and schools and the construction and repair of all buildings connected with these institutions;
- (d) the supply, storage and preservation from pollution of water for drinking and bathing purposes;
- (e) the planting and preservation of trees;
- (f) the establishment, maintenance, visiting and management, of markets and other public institutions, and the construction and repairs of buildings connected with these institutions;
- (g) the constructions and repairs of embankment and supply, storage and control of water for agricultural purposes;
- (h) the preservation and reclamation of soil, and the drainage and reclamation of swamps;
- (i) the maintenance of famine preventive works, relief works, relief houses and such measures in time of famine or scarcity as may be entrusted to the charge of the Zilla Panchayat by the State Government, and
- (j) other duties as may be prescribed.

117. *Licences.*—A Zilla Panchayat may by a special resolution, and where required by State Government, shall make by-laws applicable to the whole or any part of the district consistent with this Act and with any rule for—

- (a) imposing the obligation of taking out licences on the proprietors or drivers of vehicles other than motor vehicles, boats, or animals kept for playing for hire, or on persons who carry loads on payment within the limits of their district and fixing the fees payable for such licences and the conditions on which they may be granted and revoked, and

(b) limiting the rates which may be demanded for the hire of a carriage, cart, boat and other conveyance or of animals hired to carry loads or for the services of the person hired to carry loads and the loads to be carried out by such conveyance, animal or person.

#### CHAPTER VIII External Control

118. *Inspection, dissolution of Panchayats and Committees & removal of a member.*—The State Government may—

- (a) cause to be inspected any immovable property owned by a Gram Sabha, used or occupied, by a Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, Joint Committee or any work in progress under the directions of such Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, or Joint Committee;
- (b) by an order in writing call for and inspect a book or document in the possession or under the control of Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or a Joint Committee;
- (c) by an order in writing require a Gram Panchayat, a Tehsil Panchayat, a Zilla Panchayat or a Joint Committee to furnish such statements, reports or copies of documents, relating to the proceedings or duties of the Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, or such committee as it thinks fit;
- (d) record in writing for the consideration of a Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or Joint Committee any observation which it thinks proper in regard to the proceedings or duties of such Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or Joint Committee;
- (e) institute any enquiry in respect of any matter relating to a Gram Sabha, Gram Panchayat, Nyaya Panchayat, Tehsil Panchayat or Zilla Panchayat; and
- (f) dissolve any Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or Nyaya Panchayat or Joint Committee, or remove or suspend a member thereof if in the opinion of the State Government such Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, Joint Committee, Nyaya Panchayat or a member has abused its or his position or has continuously failed to perform the duties imposed by the Act or any rule made thereunder.

119. *Prohibitory order.*—(1) The prescribed authority or any other officer specially empowered in this behalf by the State Government on information received or on his own initiative, may by order in writing prohibit the execution for further execution of a resolution or order passed or made under this or any other enactment by a Gram Sabha, Gram Panchayat, or a Tehsil Panchayat, Zilla Panchayat, a Joint Committee or any officer or servant thereof, if in his opinion, such resolution or order is of a nature as to cause or likely to cause obstruction annoyance or injury to the public or to human life health or safety, or riot or affray. It may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1) a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the prescribed authority or the aforesaid officer to the State Government which may after calling for an explanation from the Gram Sabha, Gram Panchayat, Tehsil Panchayat, Zilla Panchayat, or the officer or servant thereof and considering the explanation, if any, made by it, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Gram Sabha, Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or Joint Committee, or any officer or servant thereof, if so required by the authority making such order to take any action which it would have been entitled to take, if the resolution or order had never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which the further execution is prohibited.

120. *Delegation of powers.*—The State Government may delegate all or any of its powers in this Act to any officer or authority subordinate to it subject to such conditions and restrictions as it may deem fit to impose.

#### CHAPTER IX

##### Penalties & Procedure

121. *Penalty for infringement of the provisions of the Act.*—Whoever contravenes any provision of this Act, shall be punishable, unless otherwise prescribed, with fine, which may extend to ten rupees, and when the breach is a continuing one with a further fine which may extend to one rupee for every day after the first conviction during which an offender is proved to have persisted in the offence.

122. *Infringement of rules and bye-laws.*—In making a rule the State Government and in making a bye-law a Gram Panchayat or a Zilla Panchayat may, with the sanction of the prescribed authority, direct that a breach of it shall be punishable with fine which may extend to ten rupees, and when the breach is a continuing one with a further fine which may extend to one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

123. *Penalty for tempering with the Panchayat's property.*—(1) Whoever removes, displaces or makes an alteration in or otherwise interferes with any pavement, gutter or other material of a public street, or any fence, wall or post thereon, or a lamp post or bracket, direction post, stand post, hydrant, or other such property of the Gram Sabha without the written sanction of the Gram Panchayat or other lawful authority shall be punishable with fine which may extend to ten rupees.

(2) If through any act, neglect, or default on his part, a person has incurred a penalty imposed by sub-section (1) and has caused any damage to the property of the Gram Sabha, Tehsil Panchayat, or Zilla Panchayat, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty, and the damages may be recovered from the offender in the prescribed manner.

124. *Arrears of tax, penalty and recovery.*—(1) Where any person liable to pay any tax imposed under this Act is in default in making a payment of the tax, the Panchayat which imposed the tax may in its discretion direct that in addition to the amount of the arrears a sum at the maximum rate of five per cent of the amount of the arrears for every day of default not exceeding that amount shall be recovered from him by way of penalty.

Provided that the penalty may, for sufficient reasons to be recorded, be waived by the Panchayat imposing the tax.

(2) The President of the Panchayat imposing the tax may forward to the Collector a certificate under his signature specifying the amount of the arrears of the tax due from any person liable to pay it, and the Collector on receipt of such certificate, shall proceed to recover the amount specified therein as arrears of land revenue.

(3) Any sum imposed by way of penalty shall be recoverable in the manner provided for the recovery of arrears of tax.

125. *Disobedience to notice issued.*—If a notice has been given to a person under the provisions of this Act or of any rule or bye-law made thereunder to a person requiring him to execute a work in respect of any property, immovable or movable, public or private, or to provide or refrain from doing anything within a time specified in the notice, and such person fails to comply with the notice, then—

(a) the Gram Panchayat, Tehsil Panchayat or Zilla Panchayat may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the prescribed manner; and

(b) such person shall also be liable on conviction before a magistrate, to a fine which may extend to ten rupees and in case of a continuing breach of a further fine which may extend to one rupee for each day after the date of the first conviction during which the offender is found to have persisted in the offence;

126. *Notice not to be invalid.*—No notice shall be invalid on account of any defect or omission in its form.

127. *Appeals to prescribed authority.*—(1) Any person aggrieved by an order or direction made by a Gram Panchayat, Tehsil Panchayat or a Zilla Panchayat, under the Act or under any rule or bye-law may, unless otherwise prescribed, within thirty days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to the prescribed authority which may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The prescribed authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The decision of the prescribed authority under sub-section (1) shall be final and shall not be questioned in any Court of law.

128. *Suspension of prosecution in certain cases.*—When an appeal under Sec. 127 has been filed against an order or direction any proceeding to enforce such order or direction or any prosecution for the breach thereof may, by order of the prescribed authority, be suspended pending the decision of the appeal, and if such order or direction is set-aside on appeal, disobedience thereof shall not be deemed to be an offence.

129. *Power to compound offences.*—(1) Subject to any rule made in this behalf, a Gram Panchayat, Tehsil Panchayat, or Zilla Panchayat may, either before or after the institution of any case, compound an offence against this Act or any rule or bye-law made thereunder on payment of such sum in cash to the Gram Panchayat, Tehsil Panchayat or Zilla Panchayat as may be prescribed.

(2) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

(3) All sums paid by way of composition under this section shall be credited to the Panchayat Fund.

130. *Entry and Inspection.*—(1) The President of the Gram Panchayat or the Tehsil Panchayat or Zilla Panchayat and, if authorized in this behalf by the Panchayat, any other member, officer, or servant of the Panchayat may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gram Panchayat, Tehsil Panchayat or Zilla Panchayat is authorized by this Act or by rules or bye-laws made thereunder, to make or execute, or which is necessary for a Gram Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or bye-laws, to make or execute.

Provided that—

(a) except when it is in this Act or rules or bye-laws otherwise expressly provided, no such entry shall be made between sunset and sunrise, and

(b) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered save with the consent of the occupier thereof and without giving the said occupier not less than four hours previous written notice of the intention to make such entry.

(2) Due regard shall always be had to the social and religious usages of the occupants of the premises entered. Sufficient notice shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of any apartment appropriated for females to remove to some part of the premises where their privacy shall not be disturbed.

131. *Suits against Gram Sabha, Gram Panchayat, Tehsil Panchayat or Zilla Panchayat or its officers.*—(1) No suit or other legal proceedings shall be instituted against a Gram Sabha, a Gram Panchayat, a Tehsil Panchayat or a Zilla Panchayat or against a member, officer, or servant of the Gram Panchayat or Tehsil Panchayat or Zilla Panchayat or against any person acting under its or his direction for any thing done or purporting to have been done in his official capacity under this Act, until the expiration of two months next after notice in writing has been, in the case of a Panchayat, delivered in or left at the office of the Panchayat and in the case of a member, officer or servant or any person acting under his direction or the direction of the Panchayat, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the reliefs sought, the amount of compensation, if any, claimed, and name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) No action, such as is described in sub-section (1), shall be commenced otherwise than within six months next after the accrual of the cause of action.

132. *Protection to Panchayat.*—(1) The provisions of the Judicial Officers' Protection Act, 1850, shall apply to the members of Nyaya Panchayat.

(2) No suit or prosecution shall be entered in any court against a Panchayat any member or officer thereof or any person acting under its or his direction in respect of anything in good faith done or intended to be done under this Act or any rule or bye-law made thereunder.

133. *Power and duties of police in respect of offences and assistance to Panchayats.*—Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-law made thereunder and shall assist all members and servants of the Panchayat in the exercise of their lawful authority.

134. *Dispute between local authorities.*—If any dispute arises between two or more Panchayats or between a Panchayat and the Notified Area, Town Area or a Municipal Committee, it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

## CHAPTER X

### Rules, Bye-laws and Repeals

135. *Power of State Government to make rules.*—(1) The State Government may subject to the condition of previous publication by notification in the official Gazette, make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (i) any matter for which power to make provision is conferred expressly or by implication on the State Government by this Act;
- (ii) the establishment of Gram Sabha, Gram Panchayat, Tehsil Panchayat, Zilla Panchayat and Nyaya Panchayat;
- (iii) the time and place of the meetings of Gram Sabha, Gram Panchayat, Tehsil Panchayat, Zilla Panchayat and Nyaya Panchayat and the manner of convening meetings and giving notice thereof;
- (iv) the conduct of proceedings including the asking of questions by members at meetings and the adjournment of meetings and also minute books of meetings;
- (v) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;
- (vi) the suspension and removal of office bearers;
- (vii) the records and registers that shall be maintained by Gram Panchayat, Tehsil Panchayat, Zilla Panchayat or Nyaya Panchayat and the form in which they are to be maintained;
- (viii) the action to be taken on the occurrence of a vacancy in the executive committee, joint committee, any other committee and Nyaya Panchayat;
- (ix) the authority by which disputes in relation to appointments to executive committee, joint committee, any other committee or Nyaya Panchayat may be decided and the procedure to be followed therein;
- (x) the amount and nature of security to be furnished by a servant of a Panchayat from whom it is deemed expedient to require security;
- (xi) appointment, qualification, dismissal, discharge, removal, and punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges, of the servants of Panchayats and their right of appeal;
- (xii) management and regulation of provident fund for the servants of a Panchayat if the system of provident fund is adopted by any Panchayat;
- (xiii) the establishment, maintenance and management of hospitals and schools and the construction and repair of buildings thereof;
- (xiv) the establishment, administration and control of libraries, reading rooms; dispensaries entrusted to a joint committee, Tehsil Panchayat the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the local area of a Gram Sabha;
- (xv) the discovery, removal and destruction of water hyacinth, and grass or other wild growth on any land, premises or water, the construction of fences and barriers for checking its movements and the cost incurred in carrying out such works;
- (xvi) action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance;
- (xvii) the framing of budgets and earmarking of funds for specific purposes;

- (xviii) the return to be submitted by Panchayats and Nyaya Panchayat in the form in which they are to be, the authorities to which and the time when they shall be submitted;
- (xix) the levy of taxes and licence fees, the authority by which and the manner in which the taxes may be assessed and the authority to which the taxes may be assessed and the authority by which an appeal from an assessment order may be made;
- (xx) the method and time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gram Panchayats in the recovery of taxes and dues;
- (xxi) the methods of account keeping by Panchayats;
- (xxii) the maintenance of public and nazul land;
- (xxiii) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Panchayat;
- (xxiv) powers of auditors, inspecting and superintending authorities to hold inquiries, summoning and examining witnesses, compelling the production of documents and all other matters connected with audit, inspection and superintendence;
- (xxv) the issue, service or execution of summons, notices and other processes of Nyaya Panchayat and issue and service of notices by Panchayat;
- (xxvi) the transfer by a Nyaya Panchayat of summons and other processes to another Nyaya Panchayat or any court for service or execution;
- (xxvii) the fees to be levied by Nyaya Panchayat for institution of suits and cases, for issue of processes, for obtaining copies of documents and other matters;
- (xxviii) the court-fees and other fees payable where a Nyaya Panchayat, with the consent of parties, entertains a suit which is otherwise beyond its jurisdiction;
- (xxix) the procedure for execution of a decree, order and a sentence passed by Nyaya Panchayat;
- (xxx) the allotment by Panchayats of funds for the performance by Nyaya Panchayats of their duties under this Act and the extent to which fees paid to Nyaya Panchayats may be appropriated by Gram Panchayats;
- (xxxi) the powers that may be exercised by any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised;
- (xxxii) the procedure to be observed in the making of bye-laws by prescribed authority for a Panchayat or by a Panchayat;
- (xxxiii) prescribing and printing of forms and registers;
- (xxxiv) the submission for approval of plans, designs, specifications and estimates;
- (xxxv) the duties, powers and functions of village volunteer forces;
- (xxxvi) the submission of annual reports by Panchayats and their review;
- (xxxvii) persons, other than members of Panchayats who may be present in any advisory capacity in meetings of Panchayats;
- (xxxviii) channel of correspondence between a Panchayat and other authorities;
- (xxxix) disposal of assets and liabilities of a Panchayat on its abolition;
- (xl) the action to be taken on the inclusion of the whole or part of the local area of any Gram Panchayat in any municipality, notified area, town area, or cantonment, and the manner in which the assets and liabilities of the Gram Panchayat may be disposed of in such circumstances;
- (xli) the conditions subject to which sums due to a Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of fee may be remitted;

- (xlii) the regulation of the election of the members of the Panchayat in order to secure representation of the Scheduled Castes and women; and
- (xliii) generally for the guidance of Panchayats, Nyaya Panchayats, Joint Committees, other Committees, servants of the Government and other authorities in any matter connected with the carrying out of the provisions of this Act.

136. *Power of prescribed authority to frame bye-laws.*—The prescribed authority may, and when required by the State Government, shall make bye-laws for the Panchayat within its jurisdiction consistent with the Act and the rules made thereunder for the purpose of promoting or maintaining the health, safety and convenience of persons residing within the jurisdiction of a Panchayat and for furtherance of administration of the Panchayats under this Act.

137. *Powers of Panchayats to frame bye-laws.*—(1) Subject to the provisions of this Act and rules made thereunder and the bye-laws, if any, made by the prescribed authority, a Panchayat may frame bye-laws :—

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to contaminate any source of drinking water;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
- (c) to prevent damage to public streets and Panchayat property;
- (d) to regulate sanitation, conservancy and drainage in the area of a Panchayat;
- (e) to prohibit or regulate the use of public streets or other public places by shop-keepers or other individuals or collection of market tolls on public streets;
- (f) to regulate the manner in which tanks, ponds and cess-pools, pasture land, playground, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used;
- (g) to prescribe, regulate, prohibit and present any other matter as may be prescribed.

(2) The draft of bye-laws framed by Panchayats shall be published in the prescribed manner. Any objection received thereto shall be considered at the meeting of a Panchayat and the bye-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the prescribed authority. The bye-laws as sanctioned by the prescribed authority shall come into force after they have been published in the prescribed manner.

138. *Repeal and transitory provisions.*—(1) On and from the date on which the Gram Sabha is established in any area under this Act—

- (a) The Punjab Village Panchayat Act 1939 as applied to Himachal Pradesh shall be deemed to be repealed in respect of such area and the Panchayat, if any, established thereunder in such area shall be abolished, its fund and other properties shall vest in, and its liabilities shall be transferred to such Gram Sabha, and cases and suits, if any pending on such date before that Panchayat shall be transferred to a Nyaya Panchayat if any, established in that area, or where no such Nyaya Panchayat exists to the Criminal or Civil Court, as the case may be, of lowest grade having jurisdiction therein :

Provided that where in the area of any Panchayat established under the Punjab Village Panchayat Act, 1939 as applied to Himachal Pradesh, more than one Gram Sabha have been established the fund, properties, and liabilities of such Panchayat shall be distributed among such Gram Sabhas in accordance with the prescribed rules.

- (b) The Punjab District Board Act, 1883 as applied to Himachal Pradesh shall be deemed to be repealed in respect of the districts to which this Act has been made applicable, and the District Board if any established thereunder in such district shall be abolished. Its funds and other properties will vest in and its liabilities shall be transferred to such Zilla Panchayat, if any established in that District, and where no such Zilla Panchayat exists to the Collector of the District for being utilized for the benefit of the District.

## SCHEDULE—I.

No.	Name of Act Code	Offence	Section
1	Indian Penal Code	Committing affray	160
2	Do.	Absconding to avoid service of summons or other proceedings of the Panchayat.	172
3	Do.	Non-attendance in obedience to an order from public servant.	174
4	Do.	Refusing oath or affirmation when duly required by a public servant.	179
5	Do.	Intentional insult or interruption to public servant sitting in judicial proceeding in so far as it may relate to Nyaya Panchayat.	228
6	Do.	Offences relating to weight and measures mentioned in Chapter XIII.	264 to 267
7	Do.	Defiling the water of a public spring or reservoir.	277
8	Do.	Driving or riding on a way so rashly or negligently as to endanger human life etc.	279
9	Do.	Danger of obstruction in public way or line of navigation.	283
10	Do.	Dealing with fire or any combustible matter so as to endanger human life etc.	285
11	Do.	Dealing with any explosive substance so as to endanger human life etc.	286
12	Do.	Omitting to guard against probable danger to human life from a building over which a person has right to pull down or repair.	288
13	Do.	Negligent conduct with respect to any animal.	289
14	Do.	Committing a public nuisance	290
15	Do.	Obscene Acts and Songs	294
16	Do.	Voluntarily causing hurt on provocation	334
17	Do.	Doing any act which endangers human life or the personal safety of others.	336
18	Do.	Assault or use of criminal force to a woman with intent to outrage her modesty.	354
19	Do.	Wrongfully restraining any person	341
20	Do.	Assault or use of criminal force otherwise than on grave provocation.	352
21	Do.	Assault or use of criminal force on grave and sudden provocation.	358
22	Do.	Dishonest misappropriation	403
23	Do.	Criminal breach of trust	411
24	Do.	Dishonestly receiving stolen property	420
25	Do.	Cheating and inducing delivery of property	426
26	Do.	Mischief when the damage or loss caused does not exceed fifty rupees in value.	429
27	Do.	Mischief by killing or maiming cattle etc. of any value of Rs. 50/-.	447
28	Do.	Criminal trespass	448
29	Do.	House trespass	497
30	Do.	Adultery	498
31	Do.	Enticing or taking away or detaining with a criminal intent a married woman.	504
32	Do.	Insult intended to provoke breach of peace	506
33	Do.	Punishment for criminal intimidation etc.	509
34	Do.	Uttering any word or making any gesture intended to insult the modesty of a woman.	510
35	Do.	Misconduct in public by a drunken person	22
36	The Vaccination Act, 1880 (Act, XIII of 1880).	Punishment of offences covered by clauses (a), (b) and (d) of Section 22.	except clause (c).
37	Cattle Trespass Act, 1871.	Forcibly opposing the seizure of cattle or rescuing the same.	24
38	Do.	Causing damage to land or crops or public roads by pigs.	26
39	Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.	3
40	Do.	Penalty for overloading animals	3A
41	Do.	Penalty for killing animals with unnecessary cruelty anywhere.	5
42	Do.	Penalty for practising Phuka	4
43	Do.	Penalty for being in possession of the skin of goat killed with unnecessary cruelty.	5A
44	Do.	Presumptions as to possession of the skin of a goat.	5B
45	Do.	Penalty for employing anywhere animals unfit for labour.	6
46	Do.	Penalty for permitting diseased animals to go to die in public places.	7
47	Offences under this Act or under any rule or bye-laws made thereunder.		

\* Provided the amount of property involved does not exceed Rs. 100/-

## SCHEDULE II.

(See Section)

Description or suits	Period of limitation	Time from which period begins to run
1 For money due on a contract	3 years]	When the money became due to the plaintiff.
2 For the recovery of moveable property or the value thereof.	Do.	When the plaintiff became entitled to the delivery of the moveable property.
3 For compensation for wrongfully taking or injuring a moveable property.	Do.	When the moveable property was wrongfully taken or when injury was done to it.
4 For damages caused by cattle trespass.	Do.	When the damage was caused by the cattle trespass.

Bill No. XII of 1952  
HIMACHAL PRADESH LANGUAGE (BILLS AND ACTS) BILL OF 1952

(As introduced in the Legislative Assembly)

## A

## BILL

to prescribe the language for use in Bills and Acts

**Preamble.**—Whereas clause 3 of Article 348 of the Constitution of India provides *inter alia* that language for use in Bills introduced in, or Acts passed by the Legislature of a State, may, after the Legislature has so prescribed, be other than the English language:

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Language (Bills and Acts) Act, 1952.

(2) It shall come into force at once.

2. **Hindi to be used in Bills and Acts.**—

The language for use in Bills introduced in, or Acts passed by, the Legislature of the State of the Himachal Pradesh shall be Hindi written in Devnagri script.

## STATEMENT OF OBJECTS AND REASONS

Under clause 3 of Article 348 of the Constitution of India the Legislature of a State may prescribe any language other than the English Language for use in Bills introduced in or Acts passed by the Legislature. This bill consequently seeks to prescribe that the Language for Bills introduced in, or Acts passed by, the Legislature of the State shall be Hindi written in Devnagri script.

SIMLA :

V. S. PARMAR.

Dated the 1952.

M. CHANDRA,  
Secretary (Judicial).

## Bill No. IX of 1952

## PUNJAB TENANCY (HIMACHAL PRADESH AMENDMENT) BILL, 1952

(As introduced in the Legislative Assembly)

## A

## BILL

to amend the Punjab Tenancy Act in its application to the Himachal Pradesh

**Preamble.**—Whereas it is expedient to amend the Punjab Tenancy Act, 1887 in its application to the Himachal Pradesh in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Tenancy (Himachal Pradesh Amendment) Act, 1952.

(2) It shall come into force at once.

(3) It shall extend to the whole of the Himachal Pradesh.

2. In Section 4 after sub-section 20 of the Punjab Tenancy Act, 1887 hereinafter referred to as the said Act the following shall be inserted as a new sub-section:—

21. “Prescribed” means prescribed according to the rules framed in the Act.

3. **Addition of new Section 25A.**—After Section 25 of the said Act, 1887 the following shall be inserted as a new section:—

“Section 25A—Maximum Limit of Batai Rent”—

“Notwithstanding anything contained in Sections 24 and 25, no tenant, where rent is payable in kind, shall be liable to pay as rent more than one fourth of the produce”.

4. **Amendment of Section 41.**—For Section 41 of the said Act, the following shall be substituted:

“41. Grounds of ejectment of a tenant other than an occupancy tenant or a tenant for a fixed term. A tenant not having a right of occupancy or not holding for a fixed term under a contract or order of a competent authority, shall be liable to ejectment from his tenancy on any of the following grounds:—

(a) that he has used the land comprised in the tenancy in a manner which has rendered or renders it unfit for the purpose for which he holds it;

- (b) that he, where rent is payable in kind, has failed or fails without sufficient cause to cultivate or arrange for cultivation of the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situate;
- (c) that he fails to pay rent regularly without sufficient cause; or
- (d) that he sublets the holding or a part thereof for profit without the consent in writing of the land-owner".

**Explanation.**

(1) For the purpose of clause (c) a tenant shall be deemed to pay or to have paid rent regularly—

- (a) where rent is payable in kind if he pays it at the thrashing floor or on or before the date when it falls due according to the nature of the crop or custom of the locality; or
- (b) where the rent is payable in cash if he pays it on or before the date on which it falls due.

(2) Notwithstanding anything in sub-section (1) the State Government may, if the tenant gives notice to the land-owner as prescribed for payment at the thrashing floor of the rent payable in kind and the land-owner fails to make arrangements for its collection within a fortnight of the receipt of notice, appoint an agent to collect the rent at the thrashing floor on behalf of the land-owner at his expense".

5. **Amendment of Section 42.**—In Section 42 of the said Act for clause (b) the following shall be substituted—

- "(b) when he has been given the land by ejecting on or after the fifteenth day of April, 1948, a tenant to whom the provisions of clauses (a) to (d) of the last foregoing section could not have applied".

6. **Deletion of Section 45.**—Section 45 of the said Act shall be deleted.

7. **Amendment to Section 46.**—In clause (a) of Section 46 of the said Act for the word "two last foregoing sections" the words "last foregoing section" shall be substituted.

8. **Amendment of Section 50.**—For Section 50 of the said Act, the following section shall be substituted:—

**Section 50—Relief for wrongful dispossession or ejection.**

"If a tenant has been dispossessed without his consent from his tenancy or any part thereof otherwise than in execution of a decree or than in pursuance of any order under Section 44, he may, within one year from the date of his dispossession or ejection, institute a suit for recovery of possession or occupancy or for compensation, or for both.

9. **Section 50A—Amendment of Section 50A.**—In Section 50A of the said Act the words "whose ejection has been ordered by a Revenue Court under Section 45, sub-section (6) or," shall be deleted.

10. **Amendment of Section 52.**—In Section 52 of the said Act "commas" and the figure "45" after the figure "36" shall be deleted.

11. **Amendment of Section 71.**—For Section 71 of the said Act the following shall be substituted:—

**Section 71—Determination of compensation by Revenue Officers—**

"When a notice has been served on a tenant under Section 44, a tenant may apply to the Revenue Officer having authority to order his ejection under Section 44, to determine the amount of compensation due to him for improvement or for disturbance, or for both, and the Revenue Officer shall determine the amount, if any, accordingly and stay the ejection of the tenant until the landlord pays to the Revenue Officer the amount so determined less any arrears of rent or costs proved to the satisfaction of the Revenue Officer to be due to the landlord from the tenant".

12. **Amendment of Section 76.**—In Section 76 of the said Act clause (d) of the First Group and Clause (i) of the Second Group shall be deleted.

13. **Amendment of Section 77.**—In Section 77 of the said Act clause (f) of the Second Group of sub-section (3) shall be deleted.

14. **Amendment of Section 106.**—In Sub-section (1) of Section 106 of the said Act after clause (a) insert the following as clause (aa) "Prescribing the form and manner of notice to be given by the tenant to the land-owner for payment at the thrashing floor of the rent payable in kind".

**STATEMENT OF OBJECTS AND REASONS**  
*Punjab Tenancy (Himachal Pradesh Amendment) Bill*

Under the Punjab Tenancy Act as applied to Himachal Pradesh tenants from year to year and tenants-at-will had no security of tenure. They had consequently no interest in the improvement of land and could not initiate a long-term planning for improved cultivation so as to get greater yield from the land by them. This defect has to be remedied with a view to enable them to have greater yield from the land which is the need of the times. It has also been felt that the present rate of rent in kind is very heavy and a maximum limit for such rent is to be fixed with a view to save the cultivators of the land from exploitation by the land-owners. This Bill, is therefore, intended to amend the Punjab Tenancy Act in its application to Himachal Pradesh so as to fix a maximum limit for rent in kind and to give the tenants security of tenure.

SIMLA :

Y. S. PARMAR.

Dated the 1952.

M. CHANDRA,  
*Secretary (Judicial)*

**STATEMENT OF OBJECTS AND REASONS**  
*Himachal Pradesh Panchayat Raj Bill, 1952*

In a democratic country it is necessary that the people should feel that they have a hand in the government of their country. The existence of the Parliament of the Union and the Legislatures of the States does not give them the same feeling as they would have if they themselves managed the affairs of the village, Tehsil or the District in which they live. The system of Panchayats is an ancient Indian institution. Without caring for a democratic name for the system of government, the people of ancient India managed to have a more truly democratic system in the country-side than what has been perhaps possible in many of western countries enjoying a Parliamentary or a Republic system of government.

This Bill seeks to give the same wide popular basis to the executive and judicial Administration in the rural areas of the State. The Punjab Village Panchayat Act, 1939 as applied to the Himachal Pradesh was not found in conformity with the spirit of the times. The Panchayats formed under it were not representative of popular opinion and had a restricted field of activities. Under this Bill the Gram Sabha itself will be a body of the entire adult population of the village and will have its own budget and an elected executive called the Gram Panchayat. Through their Gram Panchayats the villagers will elect members of the Tehsil and the Zilla Panchayats. This Bill gives power to the villagers to levy certain taxes, manage their funds, prepare budgets, maintain and establish schools and dispensaries and look after sanitation, development of trade, commerce, agriculture and in short the entire social organisation of a village. It also provides for the establishment of a Volunteer Corps for watch and ward and the creation of the Nyaya Panchayats with a separation of the judiciary from the executive. These Nyaya Panchayats will have powers relating to the administration of Civil and Criminal justice, and an important feature of this Bill is that it gives to the people of the village a right of appeal against the decision of a Bench of the Nyaya Panchayat to a full Bench consisting of the Panchayats of the entire circle. The aim of the Bill is to revitalise village corporate life and to make the people self-reliant and to develop in them a spirit of common endeavour to ameliorate their conditions without depending too much on the agencies of the State and Union Government.

Dated Simla, the 1952.

PADAM DEW,  
M. CHANDRA,  
*Secretary (Judicial)*

**CORRIGENDUM**

Simla-4, the 15th October 1952

Corrigendum to the Notification No. M.65-212/52, dated the 17th September, 1952.

(ii) for '28 days extra ordinary leave from 22nd August 1952 to 19th September 1952', substitute '32 days extra ordinary leave from 22nd August 1952 to 22nd September 1952'.

By order,  
PREM RAJ,  
*Assistant Secretary (Political),  
to Government, Himachal Pradesh.*

## Daily rainfall recorded in Himachal Pradesh for the month of May 1952.

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
<b>MAHABALI</b>																					
Rampur	..	..	..	R	0.12	..	R	..	0.40	0.09	0.11	0.09	..	R	R	..	..	..	..	..	
Chini	..	..	..	0.24	0.10	..	..	..	0.25	0.24	0.03	..	0.08	0.06	0.21	0.08	..	..	..	..	
Rohru	..	..	..	0.56	0.61	..	..	..	0.48	0.06	0.30	..	..	R	R	R	..	..	..	0.08	
Jubbal	..	..	..	0.20	0.61	..	..	..	1.00	0.68	0.42	..	..	R	R	R	..	..	..	..	
Chopal	..	..	..	0.22	0.23	..	..	..	0.70	0.11	0.20	..	..	..	..	..	..	..	..	..	
Theog	..	..	..	..	..	..	..	0.15	2.40	0.80	0.40	..	..	..	..	..	..	..	..	..	
Kumarsain	..	..	..	..	..	..	..	0.15	..	..	..	..	..	..	0.67	..	..	..	..	..	
Jungle	..	..	..	R	0.44	..	..	..	0.23	0.29	0.02	..	..	..	..	0.03	..	..	..	..	
Solan	..	..	..	..	0.25	..	..	..	..	0.25	..	..	..	..	..	..	..	..	..	..	
Arki	..	..	..	0.05	..	..	..	..	0.02	..	0.43	..	..	..	..	..	..	..	..	..	
Buni	..	..	..	0.25	0.20	..	..	..	1.00	0.22	0.28	..	..	..	..	..	..	..	..	..	
Kotkhal	..	..	..	0.65	0.35	..	..	..	0.40	0.65	0.60	..	0.05	0.05	..	0.30	..	..	..	..	
Bashla	..	..	..	0.60	0.30	..	..	..	0.70	..	0.40	..	..	..	0.11	0.05	0.06	..	0.05	0.05	
Khadrala	..	..	..	0.41	0.31	..	..	..	0.21	0.26	0.07	..	..	..	0.15	0.02	..	..	..	..	
Kilba	..	..	..	0.20	0.33	0.12	..	..	0.30	0.15	0.07	..	0.04	0.08	0.07	0.04	..	..	0.07	..	
Sangla	..	..	..	0.16	0.19	..	..	..	0.23	0.26	0.13	..	0.10	0.09	0.21	0.07	..	..	..	..	
Purbandi	..	..	..	0.50	..	..	..	..	0.52	0.05	0.30	..	0.15	0.04	0.16	0.04	..	..	..	0.05	
Phancha	..	..	..	0.13	0.46	..	..	..	0.39	0.15	1.18	..	0.47	0.22	0.48	0.13	..	0.12	..	..	
Nalchiar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
<b>MANDI</b>																					
Bader	..	..	..	..	0.05	..	..	..	..	0.15	..	0.07	..	..	..	0.20	0.14	..	..	..	
Jogindernagar	..	..	..	..	0.14	..	..	..	..	0.40	..	..	..	..	..	..	..	..	..	..	
Barkaghata	..	..	..	..	0.16	..	..	..	..	0.60	..	0.20	..	..	..	..	..	..	..	..	
Chachhot	..	..	..	..	..	..	..	..	..	0.70	..	..	..	..	..	..	..	..	..	..	
Sundernagar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Dohar	..	..	..	0.29	..	..	..	..	..	0.44	0.42	..	..	..	..	0.02	..	..	..	..	
Karsog	..	..	..	0.11	..	..	..	..	..	0.35	0.02	0.20	..	..	..	..	..	..	..	..	
Bhangrota-Farm	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
<b>CHAMBA</b>																					
Chambla	..	..	..	..	..	0.72	0.22	..	..	0.42	..	0.12	..	..	..	0.18	0.25	0.14	..	..	
Ludrota	..	..	..	..	0.80	..	..	..	..	1.00	..	..	..	..	..	0.55	0.25	..	..	..	
Chatri	..	..	..	..	0.98	0.47	..	..	..	0.90	..	0.51	..	0.11	..	0.68	0.98	0.42	..	..	
Bhandal	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Chauri	..	..	..	..	..	0.45	..	..	..	0.60	..	0.29	..	..	..	0.06	0.20	..	..	..	
Bhikunta	..	..	..	..	0.35	0.21	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Batheri	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Kalatop	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Bharmaur	..	..	..	..	..	0.56	0.32	..	..	..	..	..	..	..	..	0.34	0.26	1.20	0.03	..	
Tissa	..	..	..	..	..	0.48	..	..	..	..	..	..	..	..	..	0.11	0.37	0.05	..	..	
Bhanota	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
<b>SIRMAUR</b>																					
Nahan	..	..	..	..	..	..	..	..	..	R	0.29	..	..	..	..	..	..	..	..	..	
Paonta	..	..	..	..	..	..	..	..	..	R	0.28	..	..	..	..	..	..	..	..	..	
Renka	..	..	..	..	..	..	..	..	..	R	0.22	..	..	..	..	..	..	..	..	..	
Pachhad	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Dhansu Kuan	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
District and Station																					
	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	No. of Rainy days	Normal No. of Rainy days	Total rainfall for the month	Normal rainfall during the month	Heaviest rainfall during the month	Total rainfall from 1-12-51 to 31-5-52	Normal rainfall from 1-12-51 to 31-5-52	Normal rainfall from 1-12-51 to 30		
	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	
<b>MAHABALI</b>																					
Rampur	0.12	..	..	..	..	..	..	..	0.15	..	..	3	..	1.10	..	..	0.46	10.22	..	..	
Chini	..	R	0.08	..	..	..	..	..	0.49	0.12	R	5	..	2.55	..	0.61	14.92	..	..		
Rohru	..	..	0.56	0.61	..	..	..	..	..	..	R	5	..	2.73	..	1.00	16.02	..	..		
Jubbal	..	..	0.20	0.61	..	..	..	..	..	..	R	5	..	1.51	..	0.70	17.05	..	..		
Chopal	..	..	0.22	0.23	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Theog	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Kumarsain	0.60	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Jungle	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Solan	..	..	..	..	0.02	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Arki	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Buni	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Kotkhal	0.15	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Bashla	..	..	0.35	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Khadrala	..	..	0.22</																		

## NOTIFICATIONS

Simla-4, the 15th October 1952

**No. GHT-I-37/52.**—In exercise of the powers conferred by Section 6 of the Criminal Law Amendment Act 1952, the Lieut. Governor Himachal Pradesh is pleased to appoint Shri Tej Singh, District and Sessions Judge, Mahasu and Sirmur Districts as a Special Judge for Mahasu and Sirmur Districts, and Shri Ramji Dass, District and Sessions Judge, Mandi and Chamba Districts to be a Special Judge for Mandi and Chamba Districts to try the offences mentioned under Section 6(a) and 6(b) of the said Act with effect from the date of issue of this notification.

By order,

MAHABIR SINGH,

Assistant Secretary (Home and Revenue),  
to Government, Himachal Pradesh.

Simla-4, the 15th October 1952

**No. M-61-47/50.**—The Lieutenant Governor, Himachal Pradesh, is pleased to order the transfer of Dr. Jiwan Lal, M.B.B.S., Civil Assistant Surgeon Class I (Gazetted), in-charge Civil Hospital, Sundernagar (Suket), to District Hospital, Mandi with effect from 24th September 1952 (afternoon).

By order,

PREM RAJ MAHAJAN,

Assistant Secretary (Political),  
to Government of Himachal Pradesh.

## Medical and Public Health Departments

Simla-4, the 15th October 1952

**No. M-61-80/50.**—The Lieutenant Governor, Himachal Pradesh is pleased to order the transfer of Dr. Jai Lal, B.Sc., M.B.B.S., Civil Assistant Surgeon Class I (Gazetted), in-charge District Hospital Mandi to District Hospital Nahan, with effect from 20th September 1952 (afternoon).

By order,

PREM RAJ MAHAJAN,

Assistant Secretary (Political),  
to Government of Himachal Pradesh.

Simla-4, the 16th October 1952

**No. CS.92-209/52.**—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 as delegated in the Government of India Notification No. 115-J, dated the 5th September, 1950, and all other powers enabling him in this behalf and with the prior concurrence of the Government of India, the Lieutenant Governor of the Himachal Pradesh is pleased to make the following order :

1. (a) This order shall be called "THE HIMACHAL PRADESH SEED POTATO CONTROL ORDER, 1952" (hereinafter referred to as the 'Order').

(b) It extends to the whole of Himachal Pradesh.  
(c) It shall come into force with immediate effect.

2. In this Order, unless there is anything repugnant in the subject or context :—

(a) 'Seed Potato' includes all varieties of Seed Potatoes.

(b) 'District Magistrate' means the District Magistrate of a District and includes any Officer authorised by him for all or any of the purposes of this Order.

(c) 'Licence holder' means the firm, co-operative society, or individual authorised under a licence to deal in seed potatoes.

3. (i) No person shall carry on business as Licence holder in seed potatoes within the State except under and in accordance with the terms and conditions of a license, in Form I in the Schedule to this Order, granted by the District Magistrate.

(ii) The licence shall remain in force for the period as the authority granting may fix and enter in the licence.

4. Applications for licence under the Order shall be made to the District Magistrate in Form II in the Schedule to this Order.

5. The District Magistrate shall have, for reasons to be recorded in writing, the power to cancel, revoke, suspend or modify any licence granted by him under this Order.

6. A holder of a licence granted under this Order shall comply with all directions that may be issued generally to all holders of licences in the area or to him specifically by the District Magistrate in regard to—

- (a) the place and time of purchase or sale of seed potatoes; and
- (b) the price at which seed potatoes may be bought or sold.

7. The District Magistrate may—

- (a) call for any information from any dealer; and
- (b) enter upon and inspect any premises in which he has reasons to believe that the seed potatoes are stored for purposes of sale and that purchase or sale of seed potatoes in taking place in contravention of the licence granted under this Order and seize the potatoes concerned.

8. (a) No one shall export, or cause to be exported any seed potatoes in any manner from any place except under and in accordance with the terms and conditions of a licence issued in writing by the District Magistrate in Form III in the Schedule to this Order.

(b) No licence as mentioned above shall be issued unless the person desiring the said licence has paid such fees and in such manner, as may by a special or general order, be prescribed by the Lieutenant Governor, from time to time, in this behalf.

9. Nothing in this Order shall apply to the moving of seed potatoes by any person in any quantity not exceeding 5 seers if carried as part of personal luggage for private consumption.

10. If any person contravenes the provisions of this Order or the conditions of the licence granted to him under this Order, then without prejudice to any other action that may be taken against him or to any punishment to which he may be liable his license may be cancelled or suspended by the District Magistrate.

11. The Lieutenant Governor may exempt any person or class of persons from the operation of all or any of the provisions of this Order and may at any time subsequently thereto modify, suspend or cancel such exemption.

By order,

RAM LAL,

Secretary to Government, Himachal Pradesh,  
Co-operative & Supplies Department.

## SCHEDULE

## FORM I

Licence for the purpose of purchase, sale or storage for sale of seed potatoes

Subject to the provisions of the Himachal Pradesh Seed Potato Control Order, 1952 and to the terms and conditions of this Licence..... is hereby authorised to purchase, sell or store for sale seed potatoes.

2. The licensee may carry on the aforesaid business in the following places :—

3. The licensee shall maintain a register of daily accounts of stock showing correctly :

- (a) the opening stock at the beginning of each day,
- (b) the quantity received on each day,
- (c) the quantity delivered or otherwise removed on each day and the person or firm to whom delivered.

(d) the closing stock at the end of each day.

4. The licensee shall give all facilities at all reasonable times to the District Magistrate or other Officer acting under his authority for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage and sale of seed potatoes.

5. The licensee shall comply with any directions that may be given to him by the District Magistrate or by any other Officer authorised by him in this behalf in regard to purchase sale and storage for sale of seed potatoes and in regard to the maintenance and authentication of the registers mentioned in paragraph 3 above.

6. The licensee is authorised to charge commission at usual market rate on purchase of seed potatoes at such rate as may be approved by the Government.

7. The licensee shall deliver all the seed potatoes handled by him to the person or persons who hold a valid export permit in writing issued by the said Officer.

Dated.....  
District Magistrate,  
.....District

SCHEDULE  
FORM II

## Application for License

From  
To  
Sir.

Kindly grant a licence authorising the undermentioned firm/individual/society to purchase, sell or store for sale Seed Potatoes under Himachal Pradesh Seed Potato Control Order, 1952. The firm/individual/society is a bona fide dealer of Seed Potato and shall abide by the terms and conditions of the aforesaid Order. The firm/individual/society will carry on business at the following places in the area of.....District.

I/We certify that the particulars given by me/us in the application are correct to the best of my/our knowledge and belief.

Dated.....

Signature.....

## SCHEDULE

## FORM III

Not Transferable

No.....

Permit to transport.....

Valid from..... upto.....  
 Quantity in terms of maunds (40 seers).  
 Name of consignor.....  
 Address.....  
 Station of despatch.....  
 Name of Consignee.....  
 Address.....  
 Station of destination.....  
 District and Province/State.....  
 Price per maund.....

## (DISTRICT MAGISTRATE)

## Conditions of Permit

1. This permit is not transferable.
2. It is liable to be cancelled without previous notice at the absolute discretion of the issuing authority.
3. It is valid only for the period stated in the permit.
4. Any permit that is taken out but is not utilized should be returned immediately to the issuing authority.
5. Every consignor shall furnish correctly such information as may be demanded from him and shall carry out such instructions as may be given to him from time to time by the District Magistrate.

Simla-4, the 16th October 1952

No. CS.92-209/52.—In exercise of the powers conferred by clause 8(b) of the Himachal Pradesh Seed Potato Control Order, 1952 issued under Notification No. CS.92-209/52, dated 16th October, 1952 the Lieutenant Governor, Himachal Pradesh is pleased to order that a licence fee Rs. 5 be paid for each licence.

By order,  
RAM LAL,

Secretary to Government, Himachal Pradesh,  
Co-operative & Supplies Department.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
DEPARTMENT

BILL NO. X OF 1952

THE HIMACHAL PRADESH TENANTS (RIGHTS AND  
RESTORATION) BILL, 1952

(As introduced in the Legislative Assembly)

## A

## BILL

~~To provide for Restoration of Land, and the Right of Pre-emption to Tenants.~~

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Himachal Pradesh Tenants (Rights and Restoration) Bill, 1952.

(2) It shall come into force on January, 1, 1953.

(3) It shall extend to the whole of the Himachal Pradesh.

2. *Definitions.*—In this Act, unless there is anything repugnant to the subject or context :—

- (a) 'Land Revenue' means land revenue as defined in Punjab Tenancy Act as applied to the Himachal Pradesh.
- (b) 'Prescribed' means prescribed by rules made by the State Government under this Act.
- (c) 'Year' means agricultural year as defined in section 4 of the Punjab Tenancy Act, 1887 as applied to the Himachal Pradesh.
- (d) 'Land' and other terms used and not defined in this Act shall have the meanings assigned to them in the Punjab Tenancy Act, 1887 as applied to the Himachal Pradesh or the Punjab Revenue Act, 1887, as applied to the Himachal Pradesh.

3. *Restoration.*—Notwithstanding anything contained in the Punjab Tenancy Act, as applied to the Himachal Pradesh, a tenant who has been ejected after the fifteenth day of April, 1948 shall, on application made, by him within six months of the commencement of this Act to the prescribed authority and on his satisfying such authority that the applicant was not at the time of ejectment a tenant to whom the provisions of section 41 of the Punjab Tenancy Act as amended in its application to Himachal Pradesh by the Punjab Tenancy (Himachal Pradesh Amendment) Act, 1952, could have applied, be restored to possession of such land on same terms and grounds on which it was held by him at the time of ejectment.

Provided that the maximum rent payable by him on re-occupation of the land shall be subject to the provisions of section 25A of the Punjab Tenancy Act, 1887 as amended in its application to Himachal Pradesh by the Punjab Tenancy (Himachal Pradesh Amendment) Act, 1952.

Provided further, that if the land had been given to another tenant on or after the fifteenth day of April, 1948 he shall be ejected therefrom and given in lieu of it Nautor land as prescribed.

4. *Right of Pre-emption.*—Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant—

- (1) who has been in continuous occupation of land comprised in his tenancy for a period exceeding three years on the date of the sale of the land or foreclosure the right to redeem the land ; or
- (2) who was ejected from his tenancy after the fifteenth day of April, 1948 and before the commencement of this Act on grounds other than those mentioned in section 41 of the Punjab Tenancy Act as amended in its application to Himachal Pradesh by Punjab Tenancy (Himachal Pradesh Amendment) Act and was in continuous occupation of the land comprised in his tenancy for a period exceeding three years on the date of his ejectment, or
- (3) who has been restored to his tenancy under the provision of this Act and whose period of continuous occupation of the land comprised in his tenancy immediately before ejectment, and immediately after restoration of his tenancy together exceed 3 years, shall, in preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913, as applied to Himachal Pradesh, be entitled to pre-empt the sale or foreclosure of the land in the manner prescribed in that Act within one year from the date of the sale or the foreclosure as the case may be :

Provided that no tenant referred to in this section shall be entitled to exercise any such right in respect of land or any portion thereof if he had sublet the land or portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity or, if a woman, was a widow or was unmarried.

5. *Right of pre-emption not to apply to evacuee property.*—Nothing contained in section 4 shall affect any evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

6. *Operation of pending decrees and notices of ejectment.*—No decree passed in favour, or notice of ejectment issued at the instance of a land-owner, which remains unexecuted or uncomplied with before the commencement of this Act, shall be executed or complied with save to the extent to which such execution or compliance is not inconsistent with or is in furtherance of the provisions of this Act.

7. **Rules.**—The State Government may, by notification, make rules for carrying out the purposes of this Act.

8. **Repeal.**—The Punjab Tenants (Security of Tenure) Act, 1950 as applied to Himachal Pradesh is hereby repealed.

#### STATEMENTS OF OBJECTS AND REASONS

##### Himachal Pradesh Tenants (Rights and Restoration) Bill, 1952

Many tenants had been ejected by the land-owners since 15th May, 1948 when they felt that some changes were to be introduced in respect of tenancy holdings. These ejectments were most unfair and prejudicial to the interests of the cultivators and created a scare amongst them and many of them were left without any means of livelihood. It was also felt that a tenant should be entitled to purchase land when the land-owner sells it at the fair market value. This Bill is therefore, intended to restore the land to the tenants so ejected and to give them the right to purchase the land in their cultivatory possession when it is being sold.

Y. S. PARMAR.

SIMLA :

Dated..... 1952.

M. CHANDRA,  
Secretary (Judicial).

BILL No. VII OF 1952

#### THE INDIAN STAMP (HIMACHAL PRADESH AMENDMENT) BILL, 1952

(As introduced in the Legislative Assembly)

A

BILL

to provide for the amendment of the Indian Stamp Act, 1899 (II of 1899) in its application to the Himachal Pradesh.

It is hereby enacted as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Indian Stamp (Himachal Pradesh Amendment) Act, 1952.

(2) It extends to the whole of the Himachal Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Gazette of India, appoint in this behalf.

2. **Amendment of Section 2.**—In clause (10) of section 2 of the Indian Act, 1899, hereinafter referred to as the said Act, for the colon shall be substituted a comma, followed by the words "or by Schedule I-A, as the case may be".

3. **Amendment of Section 3.**—In section 3 of the said Act—(1) After clause (c) the following proviso shall be inserted, namely :—

"Provided that, notwithstanding anything contained in clause (a), (b) or (c) of this section or in Schedule I, and subject to the exemptions contained in Schedule I-A, the following instruments shall be chargeable with duty of the amount indicated in Schedule I-A, as the proper duty therefor, respectively, that is to say—

(aa) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule which, not having been previously executed by any person is executed in the Himachal Pradesh on or after the date of commencement of this Act;

(bb) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of Himachal Pradesh on or after the date of commencement of this Act and relates to any property situated, or to any matter or thing done or to be done in the Himachal Pradesh, and is received in the Himachal Pradesh".

(2) Between the word "Provided" and the words "that no duty" the word "also" shall be inserted.

4. **Amendment of Section 4.**—In sub-section (1) of Section 4 of the said Act—

(a) for the word and figure "Schedule I" the word, figure and letter, "Schedule I-A" shall be substituted, and

(b) for the words "one rupee", the words "two rupees" shall be substituted.

5. **Amendment of section 6.**—In section 6 of the said Act—

(1) After the word and figure "Schedule I" the words, figure and letter "or Schedule I-A" shall be inserted.

(2) In the proviso, for the words "one rupee" the words "two rupees" shall be substituted and after the words "has been paid" the following shall be added namely :— "unless it falls within the provisions of section 6-A".

6. **Addition of a new Section 6-A.**—After section 6 of the said Act, the following new section shall be inserted :—

"6-A. Payment of the Himachal Pradesh stamp duty on copies, counterparts or duplicates when that duty has not been paid on the principal or original instrument".

(1) Notwithstanding anything contained in sections 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952 has been paid :—

(a) on the principal or original instrument as the case may be, or

(b) in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in Himachal Pradesh, have been chargeable, under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, with a higher rate of duty with which the principal or original instrument would have been chargeable under section 19-A.

(2) Notwithstanding anything contained in section 35 or in any other law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon :

Provided that a court before which any such instrument, counterpart, duplicate or copy is produced, shall permit the duty chargeable under this section to be paid thereon and shall then receive it in evidence.

7. **Addition of a new Section 19-A.**—After section 19 of the said Act the following new section shall be inserted, namely :—

"19-A. Payment of duty on certain instruments liable to increased duty in Himachal Pradesh under clause (bb) of section 3".

Where any instrument has become chargeable in any part of India and thereafter becomes chargeable with higher rate of duty in the Himachal Pradesh under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952—

(i) notwithstanding anything contained in the said proviso the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in India.

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same person as though such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty."

8. **Amendment of section 23-A.**—In sub-section (1) of section 23-A of the said Act, for the word and figure "Schedule I" the word, figure and letter "Schedule 1-A" shall be substituted.

9. **Amendment of section 24.**—In the proviso to section 24, of the said Act, for the full stop shall be substituted a comma followed by the words "or Schedule I-A, as the case may be".

10. **Amendment of section 32.**—In section 32 of the said Act—

(1) in clause (a) of the proviso, after the words "any instrument" the words "other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952" shall be inserted:

(2) the word "or" at the end of clause (b) of the proviso shall be omitted:

(3) after clause (c) of the proviso the word "or" shall be inserted, and the following new clause shall be added:

"(d) any instrument chargeable with duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, and brought to him after the expiration of three months from the date on which it is first received in Himachal Pradesh".

11. **Amendment of Section 77.**—At the beginning of section 77 of the said Act the following words shall be inserted, namely:—

"Except for the provisions as to copies contained in section 6-A".

12. **New Schedule 1-A.**—After Schedule 1 to the said Act the following shall be inserted, namely:—

#### SCHEDULE I-A

(Note.—The articles in Schedule I-A are numbered so as to correspond with similar articles in Schedule I.)

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
<b>1. ACKNOWLEDGMENT</b> —of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or a separate piece of paper when such book or paper is left in the creditors possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	Two annas.
<b>2. ADMINISTRATION BOND</b> —including a bond given under Sections 291, 375 and 376 of the Indian Succession Act, 1925, or Section 6 of the Government Savings Bank Act, 1873— (a) where the amount does not exceed Rs. 1,000. (b) in any other case .. ..	The same duty as a Bond (No. 15) for such amount. Rupees Ten. Twenty-five rupees.
<b>3. ADOPTION DEED</b> —that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Two rupees.
<b>ADVOCATE</b> —(See "Entry as an advocate" (No. 30))	
<b>4. AFFIDAVIT</b> —including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	
<i>Exemptions</i>	
<b>Affidavit or declaration in writing when made—</b>	
(a) as a condition of enrolment under the Indian Army Act, 1911; or the Indian Air Force Act, 1932;	
(b) for the immediate purpose of being filed or used in any court or before the Officer of any court; or	
(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
<b>5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT</b> — (a) if relating to the sale of a bill of exchange; (b) if relating to the sale of a Government security or share in an incorporated company or other body corporate; (c) if not otherwise provided for .. ..	Four annas. Subject to a maximum of fifteen rupees, two annas for every Rs. 10,000 or part thereof, of the value of the security or share. One rupee eight annas.
<i>Exemptions</i>	
<b>6. APPRAISEMENT OR VALUATION</b> made otherwise than under an order of the court in the course of a suit— (a) where the amount does not exceed Rs. 1,000. (b) in any other case .. ..	The same duty as a Bottomry Bond (No. 16) for such amount. Ten rupees.
<i>Exemptions</i>	
(a) Appraisement or valuation made for the information of one party only and not being in any manner obligator between parties either by agreement or operation of law.	
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
<b>10. ARTICLES OF ASSOCIATION OF A COMPANY</b> — (a) when the authorised capital of the Company does not exceed one lac. (b) in other cases .. ..	Forty rupees. Eighty rupees.

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY	DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
<i>Exemption</i>			
Articles of any Association not formed for profit and registered under section 28 of the Indian Companies Act, 1913. See also Memorandum of Association of a Company (No. 39).		where it exceeds Rs. 900 and does not exceed Rs. 1,000 ; and for every Rs. 500 or part thereof in excess of Rs. 1,000 ;	Seven rupees eight annas.
12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	Two hundred and fifty rupees.	Three rupees twelve annas.	
(a) where the amount of value of the property to which the award relates as set forth in such award, does not exceed Rs. 1,000 ;	The same duty as a Bond (No. 15) for such amount.		
(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;	Ten rupees.		
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	Twelve annas subject to a maximum of seventy-five rupees.		
14. BILL OF LADING (including a through bill of lading).	Eight annas.		
	N. B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.		
15. BOND (as defined by section 2(5) (not being a Debenture (No. 27)) and not being otherwise provided for by this Act, or by the Court Fees Act, 1870—	Three annas.		
Where the amount or value secured does not exceed Rs. 10 ;			
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Six annas.		
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	Twelve annas.		
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee eight annas.		
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Two rupees four annas.		
where it exceeds Rs. 300 but does not exceed Rs. 400 ;	Three rupees.		
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees twelve annas.		
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Six rupees.		
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Seven rupees.		
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Eight rupees.		
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Nine rupees.		
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Ten rupees.		
and for every Rs. 500 or part thereof in excess of Rs. 1,000 ;	Five rupees.		
See Administration Bond (No. 2), Bottomry Bond (No. 16), Customs Bond (No. 26), Indemnity Bond (No. 34), Respondentia Bond (No. 56), Security Bond (No. 57).			
<i>Exemptions</i>			
Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscription to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.	Three annas.	where the value or amount of the consideration for such conveyance as set forth therein does not exceed Rs. 50.	One rupee eight annas One rupee.
16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	Three annas.	where it exceeds Rs. 50, but does not exceed Rs. 100,	Three rupees .. Two rupees.
where the amount or value secured does not exceed Rs. 10 ;	Six annas.	where it exceeds Rs. 100, but does not exceed Rs. 200,	Six rupees .. Four rupees.
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Twelve annas.	where it exceeds Rs. 200, but does not exceed Rs. 300,	Nine rupees .. Six rupees.
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	One rupee eight annas.	where it exceeds Rs. 300, but does not exceed Rs. 400,	Twelve rupees .. Eight rupees.
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	Two rupees four annas.	where it exceeds Rs. 400, but does not exceed Rs. 500,	Fifteen rupees .. Ten rupees.
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Three rupees.		
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Three rupees twelve annas.	(i) If it relates to immovable property situated within the limit of a Municipality, Cantonment Board, Notified Area or Small Town.	(ii) In other cases.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Four rupees eight annas.	where it exceeds Rs. 500, but does not exceed Rs. 600 ;	Eighteen rupees .. Twelve rupees.
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Five rupees four annas.	where it exceeds Rs. 600, but does not exceed Rs. 700 ;	Twenty-one rupees Fourteen rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Six rupees.	where it exceeds Rs. 700, but does not exceed Rs. 800 ;	Twenty-four rupees Sixteen rupees.
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees twelve annas.	where it exceeds Rs. 800, but does not exceed Rs. 900 ;	Twenty-seven rupees Eighteen rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;			

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY	DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
where it exceeds Rs. 900, Thirty rupees but does not exceed Rs. 1,000 ; and for every Rs. 500 or Fifteen rupees part thereof in excess of Rs. 1,000.	Twenty rupees.	DEPOSIT OF TITLE DEEDS. See AGREEMENT relating to deposit of Title-Deeds, Pawn or Pledge (No 6). DISSOLUTION OF PARTNERSHIP See Partnership (No. 46).	
<i>Exemption</i> Assignment of Copyright by entry made under the Indian Copyright Act, 1914, section 5.		29. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Twenty rupees.
CO-PARTNERSHIP DEED See PARTNERSHIP (No. 46)		DOWER—Instrument of, See Settlement (No. 58). <i>Duplicate</i> See Counterpart (No. 25).	
24. COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees— (i) if the original was not chargeable with duty or of the duty with which it was chargeable does not exceed two rupees, (ii) in any other case not falling within the provision of section 6-A.	Twelve annas.	30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF THE COURT OF THE JUDICIAL COMMISSIONER, HIMACHAL PRADESH under the Bar Council Act, 1926, or in exercise of powers conferred on that Court by letters Patent or by the Legal Practitioners Act, 1884.	Three hundred rupees.
<i>Exemption</i> (a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose. (b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.		31. EXCHANGE OF PROPERTY—Instrument of	The same duty as a conveyance (No. 23) as levied by this Act for consideration equal to the value of the property of greatest value as set forth in such instrument.
25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid— (a) if the duty with which the original instrument is chargeable does not exceed two Rupees. (b) in any other case not falling within the provisions of section 6-A.	Twelve annas.	EXTRACT. See Copy (No. 24).	
<i>Exemption</i> Counterpart of any lease granted to a cultivator when such lease is exempted from duty.	Two rupees.	32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property— (a) when the original mortgage is one of the description referred to in clause (a) of Art. No. 40 (that is, without possession)— (b) when such mortgage is one of the description referred to in clause (b) of Art. No. 40 (that is, without possession)— (i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument : (ii) if possession is not so given ..	The same duty as a mortgage deed with possession No. 40 (a) for the amount equal to the amount of the further charge secured by such instrument.
26. CUSTOMS BOND— (a) where the amount does not exceed Rs. 1,000. (b) in any other case	The same duty as a Bond (No. 15) for such amount. Ten rupees.	33. GIFT .. .. ..	The same duty as a mortgage deed with possession (No. 40 (a) for the amount equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
27. DEBENTURE (whether a mortgage, debenture or not), being a marketable security transferable— (a) by endorsement or by a separate instrument of transfer. (b) by delivery .. .. ..	The same duty as a Bond (No. 15) for the same amount. The same duty as a mortgage deed with possession No. 40 (a) for the amount equal to the face amount of the debenture.	35. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let— (a) where by such lease the rent is fixed and no premium is paid or delivered— (i) where the lease purports to be for a term of less than one year. (ii) where the lease purports to be for a term of not less than one year but not more than five years. (iii) where the lease purports to be for a term exceeding 5 years but not exceeding ten years. (iv) where the lease purports to be for a term exceeding 10 years but not exceeding 20 years. (v) where the lease purports to be for a term exceeding 20 years but not exceeding 30 years. (vi) where the lease purports to be for a term exceeding 30 years but not exceeding 100 years.	The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease. The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved. The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to the amount or value of the average annual rent reserved. The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to twice the amount or value of the average annual rent reserved. The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to three times the amount or value of the average annual rent reserved. The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to four times the amount or value of the average annual rent reserved.
<i>Explanation</i> The term " Debenture " includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.			
<i>Exemption</i> A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of the debentures to be issued there-under, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture holders ; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed. (See also Bond (No. 15) and Sections 8 and 55.)			
DECLARATION OF ANY TRUST— See Trust (No. 64).			
28. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	Two annas.		

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY	DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
(vii) where the lease purports to be for a term exceeding 100 years or in perpetuity.	The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal in the case of a lease granted solely for agricultural purposes to 1/10th and in any other case to 1/8th of the whole amount of rents which would be paid or delivered in respect of the first fifty years of lease.	Where it exceeds Rs. 900 but does not exceed Rs. 1,000, and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Fifteen rupees.
(viii) where the lease does not purport to be for any definite term.	The same duty as a Conveyance (No. 23) as levied by this Act, for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long;	and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees eight annas.
(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved.	The same duty as a Conveyance (No. 23), as levied by this Act, for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.	(b) When possession is not given or agreed to be given as aforesaid.	The same duty as a Bond (No. 15) for the amount secured by such deed.
(c) where the lease is granted for a fine or premium or for money advanced, in addition to rent reserved.	The same duty as a Conveyance (No. 23), as levied by this Act, for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or advance had been paid or delivered.	<i>Explanation.—A</i> : A mortgagor who gives to the mortgagee a power of attorney to collect rent or a lease of the property mortgaged or part thereof, is deemed to be given possession within the meaning of this article.	
		(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped:—	
		for every sum secured not exceeding Rs. 1,000	Twelve annas.
		and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Do.
		<i>Exemptions</i>	
		(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances.	
		(2) Letter of hypothecation accompanying a bill of exchange.	
36. LETTERS OF ALLOTMENT OF SHARES	Three annas.	41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage:—	
38. LETTER OF LICENSE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Twenty Rupees.	(a) when the loan is repayable not more than three months from the date of the instrument.	
39. MEMORANDUM OF ASSOCIATION OF A COMPANY.	Forty Rupees.	for every sum secured not exceeding Rs. 200	One and a half anna.
(a) if accompanied by Articles of Association under Section 17 of the Indian Companies Act, 1913.		and for every Rs. 200 or part thereof secured in excess of Rs. 200;	Do.
(b) if not so accompanied ..	One hundred rupees.	(b) when the loan is repayable more than three months but not more than eighteen months, from the date of the instrument—	
<i>Exemption</i>		for every sum secured not exceeding Rs. 100.	Three annas.
Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.		and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Do.
40. Mortgage-Deed, not being an agreement relating to deposit of title deeds, pawn or pledge (No. 6), Bottomry Bond (No. 16) Mortgage of a crop (No. 41), Respondentia Bond (No. 56) or Security Bond (No. 57).		42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (No. 59) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	Three rupees.
(a) When possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given—		See also Protest of Bill or Note (No. 50).	
Where the amount secured by such instrument does not exceed Rs. 50.	Twelve annas.	43. NOTE OF MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
Where it exceeds Rs. 50 but does not exceed Rs. 100.	One rupee eight annas.	(a) of any goods exceeding in value twenty rupees;	Four annas.
Where it exceeds Rs. 100 but does not exceed Rs. 200.	Three rupees.	(b) of any stock or marketable security exceeding in value twenty rupees;	Subject to a maximum of twenty rupees—three annas for every Rs. 10,000 or part thereof of the value of the stock or security.
Where it exceeds Rs. 200 but does not exceed Rs. 300.	Four rupees eight annas.	45. PARTITION.—Instrument of (as defined by S. 2(15)).	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.
Where it exceeds Rs. 300 but does not exceed Rs. 400.	Six rupees.	<i>N.B.</i> —The largest share remaining after the property is partitioned or if there are two or more shares of equal value and not smaller than any of the other share, then one of such equal share, shall be deemed to be that from which the other shares are separated.	
Where it exceeds Rs. 400 but does not exceed Rs. 500.	Seven rupees.		
Where it exceeds Rs. 500 but does not exceed Rs. 600.	Nine rupees.		
Where it exceeds Rs. 600 but does not exceed Rs. 700.	Ten rupees eight annas.		
Where it exceeds Rs. 700 but does not exceed Rs. 800.	Twelve rupees.		
Where it exceeds Rs. 800 but does not exceed Rs. 900.	Thirteen rupees eight annas.		

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY	DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
	Provided always that— (a) When an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than twelve annas.	(b) in any other case— (i) if the reconveyance relates to immovable property situate within a Municipality, Cantonment Board, Notified Area or Small Town ;	Thirty rupees.
	(b) where land is held on Revenue Settlement for a period not exceeding 30 years and paying the full assessment the value for the purpose of duty shall be calculated at not more than ten times the annual revenue ;	(ii) in other cases .. ..	Twenty rupees.
	(c) where a final order for effecting a partition passed by any Revenue authority or by Civil Court, or an award by an arbitrator, directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed twelve annas	55. RELEASE, that is to say any instrument (not being such release as is provided for by section 23A) whereby a person renounces a claim upon another person or against any specified property— (a) if the amount of value of the claim does not exceed Rs. 1,000.	The same duty as a Bond (No. 15) for such amount or value as set forth in the release.
		(b) in any other case .. ..	Ten rupees.
		56. RESPONDENTIA BOND, that is to say any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.
		REVOCATION OF ANY TRUST OR SETTLEMENT See Settlement (No. 58) : Trust (No. 64).	
46. PARTNERSHIP— A. Instrument of— (a) Where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.	57. SECURITY BOND OR MORTGAGE DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract,— (a) when the amount secured does not exceed Rs. 1,000.	The same duty as a Bond (No. 15) for the amount secured.
(b) In any other case .. ..	Fifteen rupees.	(b) In any other case .. ..	Ten rupees.
B. Dissolution of— .. ..	Ten rupees.		
PAWN OR PLEDGE. See Agreement relating to deposit of title deeds, pawn or pledge (No. 6).			
48. POWER OF ATTORNEY (as defined by section 2(21) not being a Proxy (No. 52)— (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ;	One rupee.		
(b) when required in suits or proceeding under the Presidency Small Cause Court Act, 1882.	One rupee.		
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a) ;	Two rupees.		
(d) when authorising not more than 5 persons to act jointly and severally in more than one transaction or generally ;	Ten rupees.		
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;	Twenty rupees.		
(f) when given for consideration and authorizing the attorney to sell any immoveable property ;	The same duty as a Conveyance (No. 23) as levied by this Act for the amount of consideration.		
(g) in any other case .. ..	Two rupees for each person authorized.		
	<i>N.B.—The term "registration" includes every operation incidental to registration under the Indian Registration Act, XVI of 1877.</i>		
	<i>Explanation</i>		
For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person.			
50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary public, or other persons lawfully acting as such, attesting the dishonour of a Bill of Exchange or Promissory Note.	Two rupees.	58. SETTLEMENT— A. Instrument of (including a deed of dower).	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement.
54. RECONVEYANCE OF MORTGAGED PROPERTY— (a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;	The same duty as Conveyance (No. 23) as levied by this Act for the amount of such consideration as set forth in the reconveyance.		Provided that where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed twelve annas.

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY	DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY				
<b>Exemptions</b>							
Deed of dower executed on the occasion of a marriage between Mohammedans.		(B. Revocation of—or concerning, any property when made by any instrument other than a Will).	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding twenty rupees.				
B. REVOCATION OF .. .	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding twenty rupees.	See also Settlement (No. 58). VALUATION. See Appraisement (No. 8). VAKIL. See entry as a Vakil (No. 30).					
59. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1913.	One and a half times the duty payable on a mortgage deed with possession (No. 40(a)) for the amount equal to the nominal amount of the shares specified in the warrant.	65. WARRANT FOR GOODS, that is Twelve annas, to say any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock ware-house or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.					
<b>Exemption</b>							
Share warrant when issued by a company in pursuance of the Indian Companies Act, 1913, section 30, to have effect only upon payment as composition for that duty, to the Collector of Stamp-Revenue, or (a) one and a half per centum of the whole subscribed capital of the company or (b) if any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital—one and a half per centum of the additional capital so issued.		<b>STATEMENT OF OBJECTS AND REASONS</b>					
SCRIP, See Certificate (No. 19).		Indian Stamp (Himachal Pradesh Amendment) Act					
61. SURRENDER OF LEASE—		The Indian Stamp Act, 1899 was applied to the Himachal Pradesh by the Merged States (Laws) Act, 1949, without any amendments of the kind made in other States from time to time. This Bill consequently seeks to make the necessary amendments in the Indian Stamp Act, 1899 in its application to the Himachal Pradesh.					
(a) When the duty with which the lease is chargeable does not exceed ten rupees.	The duty with which such lease is chargeable.	Y. S. PARMAR,					
(b) in any other case .. .	Ten rupees.	M. CHANDRA, Judicial Secretary.					
<b>Exemption</b>							
Surrender of lease, when such lease is exempted from duty.		SIMLA ;					
62. TRANSFER (whether with or without consideration)—		The ..... 1952.					
(a) of shares in an incorporated company or other body corporate.	One half of the duty payable on a mortgage deed with possession (No. 40 (a)) for the amount equal to the value of the shares.	OFFICE OF THE CHIEF COMMISSIONER, BILASPUR (SIMLA HILLS)					
(b) of debentures being marketable securities whether the debenture is liable to duty or not, except debenture provided for by section 8.	One half of the duty payable on a debenture (No. 27) for a consideration equal to the face amount of the debenture.	<b>NOTIFICATIONS</b>					
(c) of any interest secured by a bond, mortgage deed or policy of insurance.	One half of the duty with which such Bond, mortgage deed or policy of insurance is chargeable subject to a maximum of fifty rupees.	Bilaspur, the 13th October 1952					
(d) of any property under the Administrator General's Act, 1913, section 25.	Fifteen rupees.	No. Rev.5 135/52.—Whereas it appears to the Chief Commissioner, Bilaspur that land is required to be taken by the Government at the public expense for a public purpose namely for the construction of Berthin School by the Education Department Bilaspur State, it is hereby declared that the land described in the specifications below is required for the said purpose.					
(e) of any trust property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	Seven rupees eight annas or such smaller amount as may be chargeable under clause (a) to (c) of this Article.	This declaration is made under the provision of Section 6 of Land Acquisition Act, 1894 read with the Government of India, Ministry of States Notification No. 104-J, dated the 24th August, 1950 to all whom it may concern and under the provisions of Section 7 of the Said Act read with the Ministry of States Notification ibid the Collector of Bilaspur is hereby directed to take order for the acquisition of the land.					
<b>Exemptions</b>		Plans of the land may be inspected in the office of the Collector, Bilaspur.					
Transfer by endorsement—		Specifications					
(a) of a bill of exchange, cheque or promissory note;		Area					
(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;		District	Tehsil	Locality or Mauza	Khasra No.	Bighas	Biswas
(c) of a policy of insurance;		Bilaspur	Ghumarwin	Berthin	1850, 922, 895 924 1 896, 959, 897 1 953, 952, 957 1 1	10 1 1 1 1 1	10 1 1 1 1 1
(d) of securities of the (Central Government) See also section 8.		By order, BISHAN DAS, Secretary to the Chief Commissioner.					
63. TRANSFER OF LEASE .. .	The same duty as a Conveyance (No. 23) as levied by this Act for a consideration equal to the amount of the consideration for the transfer.	Bilaspur, the 13th October 1952					
64. TRUST—		No. Rev.5 136/52.—Whereas it appears that land is likely to be required to be taken by Government at the public expense for a public purpose, namely for the construction of Berthin School Bilaspur State, it is hereby notified that land in the locality described below is likely to be required for the above purpose.					
A. Declaration of—or concerning, any property when made by any writing not being a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding thirty rupees.	Bilaspur, the 13th October 1952					

This notification is issued under the provisions of Section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid Section the Chief Commissioner, Bilaspur is pleased to authorise the officers for the time being engaged in the undertaking with their servants, workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality, may within 30 days of the publication of this notification in the Gazette of India, file an objection in writing before the Collector, Bilaspur (Simla Hills).

*Specification*

State	District & Tehsil	Locality or Mauza	Khara No.	Area	
				Bighas	Biswas
Bilaspur	Bilaspur	V. Berthin	1856, 922, 895	10	10
	Ghumarwin.	Teh : Ghu- marwin.	924 896, 959, 897, 953, 962, 957	1 1 1	2 1 1

By order,  
BISHAN DAS,  
Secretary,  
to the Chief Commissioner.

Bilaspur, the 13th October 1952

No. Estt.(Appts.)137/52.—Shri Chandu Lal Sharma B.A., LL.B. is appointed Assistant Land Acquisition Officer Bilaspur with effect from 8th September, 1952 (forenoon) till 28th February 1953.

By order,  
BISHAN DAS,  
Secretary,  
to the Chief Commissioner.

Bilaspur, the 13th October 1952

No. Estt.(Appts.)138/52.—Shri Prem Lal Gupta, B.A., LL.B. is appointed Assistant Land Acquisition Officer Bilaspur with effect from 8th September, 1952 (forenoon) till 28th February 1953.

By order,  
BISHAN DAS,  
Secretary,  
to the Chief Commissioner.

Bilaspur, the 15th October 1952

No. Ele.4/51/139.—Shri Bishan Das Secretary to the Chief Commissioner is appointed as Chief Electoral Officer Bilaspur State with effect from 1st April 1952 and until further orders.

SHRICHAND CHHABRA,  
Chief Commissioner.

**OFFICE OF THE DEPUTY COMMISSIONER, VINDHYA PRADESH**

**NOTIFICATION**

Tikamgarh, the 23rd August 1952

No. 398.—In exercise of the powers conferred by clause 5(a) and 5(b) of the Vindhya Pradesh Salt (distribution and price) control order 1952 read with the Notification of the Government of India in the Ministry of States No. 115-J, dated 5th September, 1950 the Deputy Commissioner, Tikamgarh hereby fixes on the basis of the costs and margins approved by the Vindhya Pradesh Government under clause 6 of the said order the maximum wholesale and retail prices of salt (Bombay salt) imported by M/S Orchha Co-operative Store, Tikamgarh on Government account.

1. Wholesale rate.  
Mau Godown Rs. 3/8/- per md.  
Rs. 8/12/- per bag of 2½ mds.
2. Retail rate Jatara.  
Rs. 3/15/6 per md.  
Re. -/1/6 per seer.

3. Wholesale rate Tikamgarh.

Rs. 4/2/6 per md.  
Rs. 10/6/3 per bag of 2½ mds.

4. Retail rate Tikamgarh.

Re. -/1/9 per seer.

Any person selling salt above these prices or refusing to sell when in stock shall be liable to punishment under the Essential Supplies (Temporary Powers) Act, 1946.

R. N. MISRA,  
Deputy Commissioner, Tikamgarh.

Tikamgarh, the 9th September 1952

No. 395.—In exercise of the powers conferred by clause 5(a) & 5(b) of the Vindhya Pradesh Salt (distribution and price) control order, 1952 read with the notification of the Government of India in the Ministry of States No. 115, dated 5th September, 1950, the Deputy Commissioner, Tikamgarh hereby fixes on the basis of the costs and margins approved by the V. P. Government under clause 6 of the said order, the maximum wholesale and retail prices of Bombay salt imported by M/S Devi Prasad Prithvipur.

(1) Wholesale rate (Godown Harsh Mau).

Rs. 3/13/9 per md.  
Rs. 7/11/6 per bag (Two mds.).

(2) Wholesale rate (Newari proper).

Rs. 3/14/- per md.  
Rs. 7/12/- per bag (Two mds.).

Retail rate

Rs. 4/1/3 per md.  
Re. -/1/7½ per seer.

(3) Wholesale rate (Godown Prithvipur).

Rs. 4/6/- per md.  
Rs. 8/12/- per bag (Two mds.).

Retail rate

Rs. 4/9/3 per md.  
Re. -/1/10 per seer.

Any person selling salt above these prices or refusing to sell when in stock shall be liable to punishment under the Essential Supplies (Temporary Powers) Act, 1946.

K. L. AGRAWAL,  
Deputy Commissioner, Tikamgarh.

**GOVERNMENT OF VINDHYA PRADESH  
(Development & Social Services Department)  
Medical & Public Health Section**

**NOTIFICATIONS**

Rewa, the 3rd September 1952

No. 28/B/III.—Whereas it has been brought to the notice of the Government that Cholera has broken out in almost all the villages in and around Majhuli and Gurhat areas of District Sidhi and there is great danger of the Epidemic of Cholera spreading in the district of Sidhi and that ordinary provisions of law for the time being in force are insufficient.

2. Now, therefore, in exercise of the powers conferred under Sec. 2(1) of the Epidemic Disease Act, 1897, read with the Government of India, Ministry of States Notification No. 104-J, dated the 24th August, 1950, and No. S.R.O. 283, dated the 29th February, 1952, the Lt. Governor is pleased to empower the District Magistrate of the District Sidhi to take such measures and prescribe such regulations in any place within Sidhi Distt. as may be deemed necessary to prevent the spread of infection of Cholera in Sidhi District for a period of six months from the date of this notification.

3. The District Magistrate, Sidhi, may also prescribe and take suitable measures for the inspection of persons or children travelling by bus or otherwise and the segregation in hospital, temporary accommodation or otherwise of persons or children suspected by any inspecting officer of being infected with Cholera.

By order of the Lt. Governor,  
H. LAL,  
for Secretary (D.S.S.) to the Govt.

Rewa, the 3rd September 1952

No. 29/B/III.—Whereas it has been brought to the notice of the Govt. that Small-Pox is raging in almost all the villages in and around Majhuli and Gurhat areas of Distt. Sidhi and that there is great danger of the epidemic of Small-Pox breaking out in the district of Sidhi and that the ordinary provisions of law for the time being in force are insufficient.

2. Now, therefore, in exercise of the powers conferred under Sec. 2(1) of the Epidemic Disease Act, 1897, read with the Government of India, Ministry of States Notification No. 104-J, dated the 24th August, 1950 and No. S.R.O. 283, dated the 29th February, 1952, the Lt. Governor is pleased to empower the District Magistrate of the District Sidhi to take such measures and prescribe such regulations in any place within Sidhi district as may be deemed necessary to prevent the spread of infection of Small-Pox in Sidhi District for a period of six months from the date of this notification.

3. The District Magistrate Sidhi may also prescribe and take suitable measures for the inspection of persons of children travelling by bus or otherwise and the segregation in hospital, temporary accommodation or otherwise of persons or children suspected by any inspecting officer of being infected with Small-Pox.

By order of the Lt. Governor,  
H. LAL,  
for Secretary (D.S.S.) to the Govt.

**P. W. & Elec. Section**

Rewa, the 22nd September 1952

No. 55.—Shri M. P. Singh appointed as Electrical Engineer on six months probation which was extended for a further period of six months under P.W. & Electrical Department order No. 40, dated 30th July 1952 is appointed as Assistant Engineer in the Electrical & Mechanical Department with effect from 24th September 1952, the date of expiry of his probationary period.

By order of the Lt. Governor,  
NARENDRA NATH,  
Secretary to the Government.

**Home Department**

Rewa, the 24th September 1952

No. 23.—The Lt. Governor is pleased to order as follows:—

(1) Para 2 of the Home Department Notification No. 20, dated the 14th August 1952 accepting the resignation of Shri Simon Anthony is cancelled and he is posted to District Sidhi as District Superintendent of Police. The intervening period will be treated as earned leave to the extent it is due and thereafter leave without pay.

(2) On being relieved by Shri Simon Anthony, Shri Lal Pratap Singh, officiating Superintendent of Police Sidhi will revert as Deputy Superintendent of Police Sidhi.

(3) Shri Indra Vikram Singh, Officiating Superintendent of Police Tikamgarh, is appointed Secretary to the Provincial Transport Authority, Vindhya Pradesh. He will handover charge of this District to his Deputy Superintendent of Police and will proceed to relieve Shri Madho Prasad the Present Secretary, Provincial Transport Authority.

(4) On being relieved by Shri Indra Vikram Singh, Shri Madho Prasad is appointed Assistant to Inspector General of Police in the Special Branch.

(5) On being relieved by Shri Madho Prasad, Shri D. P. Sharma is appointed to officiate as Superintendent of Police Tikamgarh.

By order of the Lt. Governor,  
R. N. MISHRA,  
Deputy Secretary to the Government.

Rewa, the 3rd October 1952

No. 22/52.—In exercise of the powers conferred by Rule 72(b) of the Madhya Pradesh Motor Vehicles Rules, 1940, as applicable to Vindhya Pradesh and in partial modification of this Department Notification No. 12/52, dated the 26th May, 1952, the Lieutenant Governor, Vindhya Pradesh is pleased to appoint Shri Maheshwari Prasad, Shrivastava, Advocate General (till recently Judicial Secretary, Vindhya Pradesh Government) and the Revenue Secretary, Vindhya Pradesh Government, as members of the Transport Appellate Tribunal to hear and dispose of the following appeals namely:—

*No. of appeal and brief subject.*

1. 52/51 & 67/51—Tikamgarh-Harpalpur Road.
2. 7/52, 8/52, 12/52 & 17/52—Bijawar-Harpalpur Road.

3. 31/52—Cancellation of all permits held by Shri B. K. Tandon.
4. 24/52 & 28/52—Panna-Dharampur Road.
5. 5/52—Realisation of fine and damages from Shri B. K. Tandon.

By order of the Lt. Governor,

R. N. MISHRA,  
Deputy Secretary to Government.

**Appointments Department**

Rewa, the 23rd September 1952

No. 64.—In continuation of this Department's Notification No. 42, dated the 11th July, 1952, Shri M. P. Goswami, Deputy Secretary to Government in the Revenue Department was granted twenty days' combined leave (2 days' earned leave and 18 days' leave on half pay) in extension.

By order of the Lt. Governor,

R. K. SHARMA,  
Under Secretary to the Govt.

Rewa, the 3rd October 1952

No. 65.—In supersession of this Department's Notifications Nos. 26 and 42, dated the 21st August and 23rd October, 1951, respectively, Shri Sifat Ali, Ex-officiating Director of Agriculture, is granted combined leave for 116 days (101 days' earned leave and 15 days' leave not due to be adjusted against half pay leave of 20 days earned by him subsequently).

By order of the Lt. Governor,

R. K. SHARMA,  
Under Secretary to the Govt.

Rewa, the 3rd October 1952

No. 66.—In continuation of this Department's Notification No. 34, dated the 6th/8th May, 1952, Shri Sifat Ali, Revenue Secretary, was granted combined leave for 27 days (22 days earned leave and 5 days leave on half pay) preparatory to retirement. He will be deemed to have retired from service on the expiry of the above leave.

By order of the Lt. Governor,

R. K. SHARMA,  
Under Secretary to the Govt.

Rewa, the 4th October 1952

No. 67.—Shri N. R. Dwivedi, Office Superintendent in the Agriculture Department of the Secretariat is appointed to officiate as Under Secretary to Government in the Finance Department (Budget Section) with effect from the date he assumes charge of his duties.

By order of the Lt. Governor,

R. K. SHARMA,  
Under Secretary to the Govt.

**Commerce & Industries**

Rewa, the 26th September 1952

No. 50-C/A.—In pursuance of rule 6 read with rule 8 and 9 of the Mineral Concession Rules, 1949, the State Government are pleased to grant this Certificate of Approval restricted to Silica sand only to Shri Narhari Bhai Patel of Dabhaura (V.P.).

It shall have effect upto the 31st December, 1952.

By order of the Lt. Governor,  
RAM DYAL SINGH,  
Deputy Secretary to the Government.

**ORDER**

Rewa, the 7th October 1952

No. 92/X.—Ten days earned leave is sanctioned to Shri Ram Roop, Officiating Superintendent, Government Press, Rewa, with effect from date of availing.

By order of the Lt. Governor,  
RAM DYAL SINGH,  
Deputy Secretary to the Government.

## Medical and Health

Rewa, the 8th October 1952

**No. 32/B/III.**—In partial modification of Home Department Notification No. 6/B, dated 21st January, 1952, the appointment of Dr. N. P. Srivastava, M.B.B.S. is cancelled.

By order of the Lt. Governor,

NARENDRA NATH,  
Secretary to the Government.

## Education Section

Rewa, the 30th September 1952

**No. 188.**—In pursuance of Government of India, Ministry of Education letter No. F. 1-24/51-A.2, dated the 7th May, 1952, Government have been pleased to accord ex-post facto sanction to the retention in service after superannuation of Shri Ayaz Ali Khan, ex-Superintendent of Archaeology, Vindhya Pradesh, Rewa with effect from 12th December, 1946 to 31st July, 1952.

By order of the Lt. Governor,

K. C. C. RAJA,  
Under Secretary to the Government.

Rewa, the 4th October 1952

**No. 192.**—Fortythree days extra-ordinary leave from 8th March 1952 to 19th April 1952 (both days inclusive) is sanctioned to Shri Anand Saran Kapoor, Lecturer in Darbar College, Rewa.

By order of the Lt. Governor,

K. C. C. RAJA,  
Under Secretary to the Government.

Rewa, the 3rd October 1952

**No. 1.**—Government have been pleased to appoint temporarily Shri Krishna Nand Gupta as Chief Editor in the Information Department, Vindhya Pradesh, with effect from the date he joins subject to verification of age and medical fitness.

By order of the Lt. Governor,

K. C. C. RAJA,  
Under Secretary to the Government.

Rewa, the 3rd October 1952

**No. 9.**—Government have been pleased to appoint Shri Fatehbir Bahadur, Professor of Economics in Maha-raja College, Chhatarpur, to officiate as Welfare Officer for Scheduled Castes and Scheduled Tribes with effect from the date he joins.

By order of the Lt. Governor,

K. C. C. RAJA,  
Under Secretary to the Government.

## LEGISLATIVE ASSEMBLY, VINDHYA PRADESH

## NOTIFICATION

Rewa, the 7th October 1952

**No. 1.**—The adjourned House of the Vindhya Pradesh Legislative Assembly will reassemble on Tuesday the 4th November, 1952, at 10.30 A.M. in the Assembly Hall at Rewa.

By order,

R. C. SRIVASTAVA,  
Secretary, Legislative Assembly.

## OFFICE OF THE COMMISSIONER OF INCOME-TAX

## NOTIFICATIONS

Lucknow, the 15th October 1952

**No. 220.**—Shri T. Prasad, Income-tax Officer, Najibabad at Moradabad, was appointed to hold charge of Income-tax Officer, A-Ward, Moradabad in addition to his own duties, with effect from 1st October 1952 A.N.

**No. 221.**—On relief, Shri Radhe Shyam, Income-tax Officer, A-Ward, Moradabad, was transferred to be P.A. to the Commissioner of Income-tax, Uttar Pradesh and Vindhya Pradesh, Lucknow, with effect from 7th October 1952 A.N. vice Shri M. D. Varma, P.A., transferred to Delhi.

B. M. SEN GUPTA,  
Commissioner of Income-tax,  
U.P. & V.P.

## GOVERNMENT OF AJMER

## NOTIFICATIONS

Ajmer, the 13th October 1952

I

**No. C. 9/6/52-H.S.&R.**—In pursuance of sub-section (3) of section 1 of the Bombay Money-lenders Act, 1946 (Bombay Act XXXI of 1947), as extended to the State of Ajmer, the Chief Commissioner, Ajmer, hereby appoints the 1st day of November 1952 as the date on which the Act as so extended shall come into force in the State of Ajmer.

II

In pursuance of sub-section (1) of section 25 of the Bombay Money-lenders Act, 1946 (Bombay Act XXXI of 1947), as extended to the State of Ajmer, the Chief Commissioner, Ajmer, hereby fixes the maximum rate of interest at 6 per cent. per annum in the case of secured loans, and at 9 per cent. per annum in the case of unsecured loans, for the State of Ajmer.

III

In pursuance of section 3 of the Bombay Money-lenders Act, 1946 (Bombay Act XXXI of 1947), as extended to the State of Ajmer, the Chief Commissioner, Ajmer, hereby appoints the Deputy Commissioner, Ajmer, *ex-officio* to be the Registrar-General; the Registrar of Co-operative Societies, Ajmer, *ex-officio*, to be the Registrar; and the Assistant Registrar of Co-operative Societies, Ajmer, *ex-officio*, to be the Assistant Registrar for the State of Ajmer, for the purposes of the Act as so extended.

By order,  
A. SEN,  
Chief Secretary.

Ajmer, the 13th October 1952

**No. C-9/7/52-H.S.&R.**—The following Rules framed by the Chief Commissioner, Ajmer, under Section 39 of the Bombay Money-lenders Act, 1946 (Bombay Act No. XXXI of 1947) as extended to the State of Ajmer are published for general information as required by sub-section (3) of the Section 39 of the said Act:—

In exercise of the powers conferred by Section 39 of the Bombay Money-lenders Act, 1946 as applied to the State of Ajmer, the Chief Commissioner is pleased to make the following rules, namely:—

1. **Short title.**—These rules may be called the Ajmer Money-lenders Rules, 1951.
2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context—
  - (a) "ACT" means the Bombay Money-lenders Act, 1946, as applied to the State of Ajmer;

(b) "FORM" means a form appended to these rules; and

(c) "SECTION" means a section of the Act.

3. *Register of money-lenders.*—The register of money-lenders required to be maintained under Section 4 shall be in Form No. 1.

4. *Application for licence.*—(1) A money-lender desiring to carry on the business of money-lending in any area shall make an application in Form No. 2 to the Assistant Registrar concerned. The application shall be delivered at the office of the Assistant Registrar during office hours either personally by the applicant or through an agent duly authorised in writing in this behalf or sent by registered post addressed to the Assistant Registrar.

(2) An application for the grant of a licence for the first time may be made on any date but an application for renewal of licence shall be made in the month of May preceding the year for which the licence is to be renewed.

(3) Every application shall be accompanied by an affidavit of the applicant that the applicant or any person responsible or proposed to be responsible for the management of his business of money-lending has not knowingly participated in, or connived at, any fraud or dishonesty in the conduct of, or in connection with, the business of money-lending or been found guilty of an offence under Chapter XVII or Section 465, 477 or 477-A of Chapter XVIII of the Indian Penal Code.

5. *Procedure for summary inquiry under Section 7.*—The Assistant Registrar shall make the summary inquiry under Section 7 by examining the applicant personally and such other person, as he may deem fit in order to satisfy himself about the *bona fides* of the applicant and his suitability for carrying on the business of money-lending. The Assistant Registrar shall maintain a record of such inquiry which shall contain a brief memorandum of the substance of evidence taken and a summary of the conclusions regarding facts elicited during the inquiry.

6. *Form of licence.*—The licence under Section 7 shall be in Form No. 3.

7. *Manner of payment of licence fee.*—The licence fee of Rs. 5 fixed under Section 7 shall be paid within such period as may be fixed by the Registrar in that behalf either in cash at the Registrar's office or by remitting it by postal money order addressed to the Registrar or by crediting to Government at a treasury, sub-treasury or the Imperial Bank of India, Ajmer, and sending the receipted chalan to the Registrar.

8. *Reasons for refusing to grant licence to be communicated to applicant.*—If a Registrar refuses to grant a licence, he shall communicate to the applicant his reasons for so doing.

9. *Appeal against order of Registrar refusing to grant licence.*—(1) An appeal under sub-section (3) of Section 8 against the order of a Registrar refusing to grant a licence shall be instituted within 30 days from the date on which the order is communicated to the applicant.

(2) The Registrar General shall decide the appeal after hearing the appellant or his pleader, as the case may be.

10. *Forms of cash book, ledger and of statement under Section 18.*—The cash book and ledger to be maintained by a money-lender under sub-section (1), and the statement under clause (a) of sub-section (2), of Section 18 shall be in Forms Nos. 4, 5 and 6 respectively.

11. *Annual Statement of accounts to be delivered by money-lender to debtor, etc., under Section 19.*—(1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (1) of Section 19 shall be in Form No. 7.

(2) The statement shall be furnished to each of the debtors within sixty days after the close of the year for which the accounts of the money-lender are ordinarily maintained.

(3) The fee to be paid by a debtor to a money-lender for supplying a statement of accounts under sub-section (2) of Section 19 shall be annas eight.

(4) The expenses to be recovered from a debtor for supplying copies of documents by a money-lender under sub-section (3) of Section 19 shall be according to the following scale :—

For copying 100 words or fraction thereof—One anna.

For copying 100 words or fraction thereof of tabular statement—Two annas.

Cost of paper— $\frac{1}{4}$  annas per sheet of foolscap size.

12. *Notice and information to be given on assignment of loan.*—The notice to be given to an assignee under clause (a), the statement of information to be supplied to an assignee under clause (b), and the notice to be given to the debtor under clause (c), of sub-section (1) of Section 27, shall be in the Forms Nos. 8, 9 and 10 respectively.

13. *Form of application under Section 30.*—The application to be made by a debtor under sub-section (1) of Section 30 shall be in Form No. 11 and shall be accompanied by a Court Fee of Re. 1.

#### FORM NO. 1

(Rule 3)

#### Register of Money-lenders

Tahsil

District.

Serial No.	Name of the father's or husband's name, caste or religion and full address of the money lender	Full details of the principal, place of business and of the branches thereof	Date and serial No. of the licence if any	Date of issue of the previous licence	Serial No. of the application	Cancellation of licence if any, with date and particulars	Orders of cancellation or suspension of licence if any, with date and particulars	Particulars of cancellation or suspension of licence under S. 14 (ii) (a) or disqualification under S. 14 (ii) (b)	No. of duplicate licences issued with dates	Signature of Assistant Registrar	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

\*(1) In the case of an Undivided Hindu Family, Column 2 should show the names and addresses of the manager and adult co-partners of such family. In the case of a bank, the column 2 should show the names and addresses of the directors and manager or principal officer and in case of an unincorporated body of individuals, the names and addresses of all individuals.

†(2) When filling up this column the section of the Act under which cancellation is made should be entered.



FORM 5  
(Rule 10)  
Debtor.....

Name of the debtor			Ledger Account.			Ledger No.				
Date	Principal amount borrowed or debited	Amount repaid or credited			Balance of principal due after each transaction	Details of calculation of interest			Remarks	
		Principal	Interest	Total		Principal	Interest	Principal due		
1	2	3	4	5	6	7	8	9	10	11

## FORM 6

(Rule 10)

Statement showing the details of condition of the loan

Name of Debtor

Address :

(1) Amount of loan :

(2) Date of loan :

(3) Date of maturity of the loan :

(4) Rate of interest per annum :

(5) Nature of the security :

(6) Particulars of documents, if any :

(7) Any special conditions on which the loan has been made :

(8) Other connected information.

Signature of money-lender.

Name and address of money-lender.

N.B.—A separate statement shall be furnished in respect of each loan transaction.

In case of loans in kind there shall be reference to the commodity advanced along with market value of the same at the date of each transaction.

## FORM 7

[Rule 11(1)]

Annual statement of accounts to be delivered by a money-lender to his debtors within sixty days after the close of the year.

Name of the Debtor.

Occupation.

Address.

Number of Ledger Account.

Amount of principal and the amount of interest, separately due to the money-lender.

Amount of every payment already received by the money-lender in respect of the loan during the year together with the date on which each payment was made.

All payments credited first in the account of interest, and the residue, if any of any payment more than sufficient to discharge the balance of interest due at the time it is made, credited to the debtor in the account of principal.

The amount of principal remaining unpaid and the interest thereon.

Date..... Money-lender or his agent.

## FORM 8

(Rule 13)

Please take notice under clause (a) of sub-section (1) of section 27 of the Bombay Money-lenders Act, 1946 as applied to the State of Ajmer, that pursuant to the agreement made by me with you

the loan  
to assign  
the balance of loan  
interest on the loan

balance of interest on the loan  
advanced to Mr. ..... Address ..... together with accrued interest/balance of interest and benefits of the agreement under which the aforesaid loan was given to the debtor as well as security in respect of loan/interest on loan, you will be subject, with effect from\* to the provisions of the Bombay Money-lenders Act, 1946 as applied to the State of Ajmer.

Signature of the Money-lender.

Prior assignee of the Money-lender.

Date

\* Here insert the date of assignment.

## FORM 9

(Rule 12)

Statement of information to be supplied to the assignee under clause (b) of sub-section (1) of section 27 of the Bombay Money-lenders Act, 1946, as applied to the State of Ajmer.

Name of money-lender including subsequent assignees, if any, and his/their address/addresses—

Name of debtor—

Address—

1. Date of loan .....
2. Amount of loan .....
3. Rate of interest per annum .....
4. Total repayments made by the debtor up-to-date—
  - (a) Principal .....
  - (b) Interest .....
  - (c) Total .....
5. Amount outstanding on—
  - (a) Principal .....
  - (b) Interest .....
  - (c) Total .....
6. Nature and value of the security .....
7. Particulars of documents including previous assignments, if any .....
8. Any special condition attaching to the loan.....
9. List of documents of which copies are attached.....
10. Other information, if any .....

Signature of Assignor/Money-lender.

Address

Date

## FORM 10

(Rule 12)

To

Debtor.

Please take notice under clause (c) of sub-section (1) of section 27 of the Bombay Money-lenders Act, 1946 as applied to the State of Ajmer, that I propose to make an

the loan  
assignment of balance of loan  
interest of loan  
balance of interest on loan

advanced to you on..... together with accrued interest/balance of interest and benefits of the agreement under the aforesaid loan as well as security taken in respect of the loan/interest on the loan to .....  
(Name of the assignee)

(Address of the Assignee)

..... with effect from .....  
(dated) ..... and that from the date of such assignment, the assignee abovenamed shall exercise all rights and shall have all the liabilities under the provisions of the Moneylenders Act, 1946 as applied to the State of Ajmer.

Signature of Money-lender.

Address.

Signature of prior assignee of the Money-lender.

Address.

FORM 11

(Rue 13)

[Application to a Court under sub-section (1) of Section 30 for taking accounts]

In the Court of

Mis. Case No. ..... of 19.....

The undermentioned debtor applied for taking accounts of the loan described below and for declaring the amount due to the money-lender.

*Particulars of Loan*

1. Document, if any, with particulars.
2. Amount.
3. Description of the money-lender—
  - (a) Name.
  - (b) Father's/Husband's name.
  - (c) Address.
4. Description of the debtor—
  - (a) Name.
  - (b) Father's/Husband's name.
  - (c) Address.

Date .....

Signature.

By order,

A. SEN,  
Chief Secretary.

**Law & Judicial Department**

Ajmer, the 14th October 1952

No. 4/31/52-Law.—In exercise of the powers conferred by clause (e) of Rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, as amended by the Government of India Ministry of Law Notification No. F-8(4)/50-C, dated the 30th October, 1952, read with that Ministry's Notification No. F. 8(4)/50-C, dated the 31st October 1950, the Chief Commissioner, Ajmer, hereby appoints the following Officers to perform all or any of the functions of a Revising Authority under the said Rules for areas noted against each :—

S. No.	Designation of Revising Officer	Name of Assembly Constituencies	Name of Parliamentary Constituencies
--------	---------------------------------	---------------------------------	--------------------------------------

1 Judge Small Causes Court & Senior Sub-Judge, First Class, Ajmer. Ajmer I and Ajmer II. Wards Nos. 8, 13, 14, 22 to 25, 32 and Ward Nos. 16, 20 and 26 to 31 of Ajmer Municipality and Military area of Ajmer as comprised in the Ajmer North Constituency of the House of People.

2 2nd Additional Sub-Judge, First Class, Ajmer. Ajmer III, IV, V and VI. Wards Nos. 2, 17 to 19, 10 to 12, 15, 1, 6, 7, & 9, 3 to 5 and 21 of the Ajmer Municipality as comprising in the Ajmer North Constituency of the House of People.

S. No.	Designation of Revising Officer	Name of Assembly Constituencies	Name of Parliamentary Constituencies
3	Debt Settlement Officer, Ajmer.	(1) Srinagar (2) Derathu (3) Jethana (4) Pushkar North (5) Pushkar South (6) Gagwana and (7) Nasirabad.	Ajmer Sub-Division excluding Ajmer City and Military area as comprising in the Ajmer North Constituency; and including Nasirabad Cantonment and villages of Goola Police Station of Kokri Sub-Division, as in the Ajmer South Constituency of the House of People.
4	City Magistrate, First Class, Ajmer.	Additional Revising Authority for the Constituencies of Ajmer City Only.	
5	Sub-Judge, First Class, Boawar.	(1) Boawar City North (2) Boawar City South (3) Shamgarh (4) Masuda (5) Nayanager (6) Jawaja & (7) Todgarh.	Boawar Sub-Division of the Ajmer South Constituency of the House of People.
6	Stipendiary Magistrate, First Class, Boawar.	Officer in reserve for the above area.	
7	Sub-Judge, First Class, Kokri.	(1) Bhinal (2) Doodia Kalan (3) Kokri and (4) Sawar	Kekri Sub-Division excluding villages of Goola Police Station as comprised in the Ajmer South Constituency.

By order,  
N. SWAMINATHAN,  
Secretary.

**Central Board of Secondary Education, Ajmer**

Of the candidates who appeared at the Supplementary High School Examination held on August 11th and 12th, 1952, the following have been declared successful under Regulations contained in Chapter XIII-A of the Board Regulations :—

(The Result was declared on September 14, 1952)

Roll No.	Name of candidate	Date of birth	Name of Father	Place of Residence
GOVERNMENT HIGH SCHOOL, AJMER CENTRE (Roll Nos. 1-73)				
4	Miss Bimla Saxena	30th April, 1937	Ladli Sahai Saxena	Ajmer
5	Miss Bayant Kaur	4th Jan., 1935	Sardar Jaswant Singh Nesmuchi	
6	Miss Barbara Clementine Nazaroth	8th Nov., 1933	Joseph Nazareth	Ajmer
7	Bhanwar Singh Pipara	28th July, 1923	Deo Karan Pipara	Banera
8	Brij Bihari Lal Dabley	28th Aug., 1934	Ghosa Lal C. Dabley	Ajmer
12	Chandar Bhan Chabiani	28th Sept., 1938	Naraindas Chabiani	Do.
13	Charanjit Singh	16th July, 1936	S. Gajindra Singh	Do.
14	Chandra Shekhar Mehta	18th Jan., 1932	Govind Ram	Sironj (Kota)
16	Delbert Ronald Peters	10th Jan., 1937	Robert M. Peters	Ajmer
17	Miss Dolat Erachshaw Merchant	11th Aug., 1934	Erachshaw A. Merchant	Abu Road
18	Dulahdino U. Himthani	3rd April, 1931	Ubrional	Ajmer
19	Daddu Singh	15th March, 1929	Udal Singh	Do.
24	Goverdhan Lal Mishra	15th March, 1934	Bhanwar Lal Mishra	Do.
25	Harish Chand Jain	24th May, 1934	Javan Lal	Do.
27	Jagdish Praasad Atran	18th Aug., 1932	Suve Lal	Nasirabad
29	Jayanti Lal Shah	23rd June, 1932	Ogada Das	Ajmer State
30	Jahangir Khan	14th Jan., 1932	Aladin Khan	Pushkar
31	Kundan Lal Sunar	27th March, 1932	Jamna Lal Sunar	Kekri
32	Kishin Chand A. Shionani	3rd Nov., 1935	Alim Chand C. Shionani	Ajmer
33	Krishna Gopal Mangal	17th May, 1935	Babu Lal Mangal	Boawar
34	Krishan Saran Parihar	30th Sept., 1934	Munna Singh Parihar	Ajmer State
35	Kedar Dass Singh	1st Aug., 1934	Jait Ram Singh	Quatra (Barmer) (Raj.)
38	Magh Raj Brahmin	10th March, 1933	Durga Lal	Jodhpur

Roll No.	Name of candidate	Date of birth	Name of father	Place of Residence	Roll No.	Name of candidate	Date of birth	Name of father	Place of Residence
39	Miss Maggie J. Walters	6th Aug., 1923	Jacob Walters	Ajmer					GOVT. HIGH SCHOOL, AJMER CENTRE (Roll Nos. 104—106)
40	Mohammad Bux Qureshi	15th Oct., 1932	Hussain Bux Qureshi	Beawar Distt.					<i>Under Regulation 2(16), Chapter XI of the Board Regulation.</i>
41	Mohan Lal Agrawal	1st June, 1935	Ram Niwas Agrawal	Ajmer	105	(Miss) Promilla Mehta	13th Oct., 1933	Dovi Dass Mehta	Ajmer
43	Narain Lal	20th Aug., 1932	Raghunath	Nasrabad	106	Prem Mehta	10th Aug., 1935	Dovi Dass Mehta	Do.
46	Narsindas Punjwani	2nd April, 1929	Shewaram Punjwani	Ajmer					<i>Secretary,</i> <i>Central Board of Secondary Education,</i> <i>Ajmer.</i>
48	Pratap Das Anami	10th May, 1916	Otdas Anami	Ajmer State					
50	Ravi Dutt Sharma	3rd Jan., 1936	Yagyadatt Sharma	Ajmer					
51	Ratan Shaw M. Hansotia	10th Feb., 1933	Manohershaw N. Hansotia	Do.					
52	Ratan Singh	8th April, 1918	Kishan Singh	Ajmer State					
53	Rajendra Kumar Kaushik	29th May, 1935	Gopal Saran Kaushik	Ajmer					
55	Rishi Kumar Sharma	8th March, 1934	Tarachand Sharma	Ajmer State					
56	Ram Sahal Sharma	6th July, 1932	Chunni Lal Sharma	Beawar					
57	Ram Swaroop Sharma	10th Jan., 1935	Mangji Lal	Kekri					
58	Shyam Lal Goyal	14th Sept., 1935	Raj Mal	Ajmer					
59	Shyam Nand Sharma	4th Dec., 1934	Gauri Shapkar Sharma	Do.					
60	Sekaran Jalora	17th Nov., 1934	Shri Lal Jalora	Do.					
61	(Miss) Sushma Kumari	11th Aug., 1936	Kanhaiyalal Lal	Do.					
63	Santosh Kumar Pareek	20th June, 1936	Kanhaiyalal Pareek	Udaipur Joshi.					
65	Shyam Narain Sharma	1st Jan., 1936	Surej Narain Sharma	Bandi Kui					
66	Shimbu Nath Chaturvodi	3rd Jan., 1935	Neera Lal Chaturvedi	Ajmer					
67	Topan	20th Jan., 1937	Chandan Das	Do.					
68	Trilok Chandra Goyal	17th Oct., 1936	Shrikrishna Agrawal	Do.					
70	Vasudeo Ahuja	14th July, 1934	Harnmal Ahuja	Beawar					
71	Vemal Chand Sogani	22nd Feb., 1935	Ganeshi Lal Sogani	Ajmer					
72	(Miss) Vimla Devi Moona	8th April, 1934	Jwala Pd. Moona	Do					
73	Bhanwar Lal	29th Aug., 1923	Chhoga Lal	Do					
DARBAR COLLEGE, REWA CENTRE (Roll Nos. 74—98)									
74	Baldeo Prasad Verma	10th July, 1931	Jagannath Pd. Verma	Distt. Rewa					
75	Badri Prasad Naik	28th Dec., 1923	Har Prasad Naik	Rewa					
76	Bhagwati Prasad Pant	11th April, 1935	Janardan Pant	Shahdol					
82	(Miss) Kamal Bohare	25th Oct., 1938	Govind Rao	Satna					
83	(Miss) Kamal V. Dixit	10th Nov., 1934	Vaidyanath Dixit	Rewa					
84	Kamal Nath Singh	27th Aug., 1930	Lal Mahabali Singh	Rewa Distt.					
86	Lokh Ram Chaurasia	1st Jan., 1932	Ghasiram Chaurasia	Maharajpur.					
87	Mahash Prasad Panday	10th April, 1933	Ram Mani Panday	Beohari (V.P.)					
88	Mangal Prasad Mishra	2nd July, 1919	Madho Ram Mishra	Distt. Rewa					
90	Prom Kumar Seth	5th Sept., 1934	Khushi Ram Seth	Satna					
94	Ram Chaitan Sharma	1st July, 1933	Girja Prasad Sharma	Maghar (V.P.)					
98	Tanuukh Raj Kharo	15th July, 1928	Shyam Sunder Lal	Panna (V.P.)					
HAMIDIA COLLEGE, BHOPAL CENTRE (Roll Nos. 99—103)									
101	Maqsood Ali	8th Aug., 1927	Masoom Ali	Baroli (Bhopal)					
102	Raiyada Krishan Mohan	1st May, 1933	Raiyada Hulas Rai	Bhopal					
103	Ram Swaroop Khare	15th July, 1931	Bhagwan Pd. Khare	Sehore					

GOVT. HIGH SCHOOL, AJMER CENTRE  
(Roll Nos. 104—106)

*Under Regulation 2(16), Chapter XI of the Board Regulation.*

105 (Miss) Promilla Mehta .. 13th Oct., Dovi Dass Mehta .. Ajmer 1933

106 Prem Mehta .. .. 10th Aug., Dovi Dass Mehta .. Do. 1935

*Secretary,*  
*Central Board of Secondary Education,*  
*Ajmer.*

#### Medical, Education & LSG Department

*Ajmer, the 9th October 1952*

**No. 2/58/52-Edn.**—Shri Narendra Chandra Joshi is appointed as Lecturer in Botany, Government College, Ajmer, with effect from the forenoon of the 8th September, 1952.

By order,

N. SWAMINATHAN,  
*Secretary.*

*Ajmer, the 15th October 1952*

**No. 2/28/52-Edn.**—Shri Raj Kishore, Senior Lecturer, Government College, Ajmer, retired from Government service with effect from the 15th January, 1952 (forenoon).

He was re-employed as Senior Lecturer, Government College, Ajmer, from the date of his retirement namely the 15th January, 1952 (forenoon) and finally relinquished charge of that post on the 30th June, 1952 (afternoon).

By order,

N. SWAMINATHAN,  
*Secretary.*

*Ajmer, the 15th October 1952*

**No. 2/77/52-Edn.**—Shri A. M. Ghose, M.A., is temporarily appointed to officiate as Lecturer in Philosophy, Government College, Ajmer, with effect from the 15th September 1952 (forenoon).

By order,

N. SWAMINATHAN,  
*Secretary.*

#### Home, Services & Revenue Department

*Ajmer, the 20th December 1951*

**No. 120/1/52-Admn.**—Whereas I, S. K. Vaiyapuri, Controller of Insurance, am satisfied that the affairs of the provident society known as the Rajputana Provident Assurance Company Limited, Beawar, in the State of Ajmer have fully wound up :

And whereas three months have expired since the account of the liquidator has been registered with me :

Now, therefore, in pursuance of the provisions of subsection (5) of section 93 of the Insurance Act, 1938, (IV of 1938), I hereby declare the said society be dissolved.

S. K. VAIYAPURI,  
*Controller of Insurance*

